



MIAMI BEACH

OFFICE OF THE CITY MANAGER

COMMITTEE MEMORANDUM

TO: **Neighborhood/Community Affairs Committee**

Commissioner Edward L. Tobin, Chair
Commissioner Jerry Libbin, Vice-Chair
Commissioner Jorge Exposito, Member
Commissioner Jonah Wolfson, Alternate

FROM: Jimmy L. Morales, City Manager

DATE: June 26, 2013

SUBJECT: MEETING OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE (NCAC) ON
WEDNESDAY, JUNE 26, 2013

A meeting of the Neighborhood/Community Affairs Committee has been scheduled for Wednesday, June 26, 2013 at 3:00pm in the City Manager's Large Conference Room, 4th Floor of City Hall.

The agenda for the meeting is as follows:

OLD BUSINESS

1. **Consideration And Discussion Of Proposed Amendments To The City's Noise Ordinance.**

Commission Item C4C, June 1, 2011

(Requested by City Attorney's Office)

Last discussed at NCAC July 7, 2011 regarding regulatory and cleanup changes – To return to NCAC to discuss policy changes

Hernan Cardeno, Code Compliance Division Commander
Stephen Scott, Building Director

2. **Discussion To Consider Leaving The Altos Del Mar Location As Passive Greenspace.**

Commission Item C4E, October 19, 2011

(Requested by Commissioner Exposito)

Last discussed at NCAC December 8, 2011

Kevin Smith, Parks and Recreation Department Director

3. **Discussion Regarding Considering Hosting A Biannual Art Camp Held In Miami Beach In Cooperation With UNESCO.**

Max Sklar, Tourism and Cultural Development Director

4. **Discussion Regarding Bicyclist Safety Campaign With The Miami Beach Police Department, Deco Bikes And Local Bicycle Rental Companies.**

Commission Item, C4Q, March 13, 2013

(Requested by Commissioner Weithorn)

Jose Gonzalez, Manager Transportation Department

We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-604-2489 (voice) or 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

5. **Referral of a Resolution Supporting The Efforts Of Miami-Dade County And The Miami-Dade County Public Schools' Joint Roundtable On Youth Safety to Neighborhood/Community Affairs Committee and Committee on Quality Education.**

Commission Item, C4F, April 17, 2013)
(Requested by Mayor Matti Herrera-Bower

Leslie Rosenfeld, Organization Development Performance Initiatives

6. **Discussion Regarding The Restoration Of Monument Island**

Commission Item, C4H, April 17, 2013
(Requested by Commissioner Gongora)

Kevin Smith, Director Parks & Recreation

NEW BUSINESS

7. **Discussion Regarding The Collins Park Garage Project (Collins Park Place)**
Item C4B, June 5, 2013

David Martinez, CIP

8. **Discuss The Enforcement Components Of The Recycling Ordinance.**

Item C4D, June 5, 2013
(Requested by Commissioner Libbin)

Eric Carpenter, Public Works Director

9. **Discuss An Amendment To The Special Event Requirements And Guidelines To Include Recycling Requirements For All Special Events That Require A Sanitation Plan.**

Item C4E, June 5, 2013
(Requested by Commissioner Libbin)

Max Sklar, Tourism and Cultural Development Director

10. **Discuss An Amendment To The Energy Economic Zone Ordinance To Include Miami-Dade County's Green Business Certification Program As An Eligibility Criteria To Receive The EcoZone Program Tax Incentives.**

Item C4F, June 5, 2013
(Requested by Commissioner Libbin)

Max Sklar, Tourism and Cultural Development Director

11. **Report From City Staff On The Traffic Calming And School Zone Expansion Initiative For 41st Street Between Meridian Avenue And Garden Avenue To Improve School Safety At Nautilus Middle School.**

Item C4H, June 5, 2013
(Requested by Mayor Matti Herrera Bower)

Eric Carpenter, Public Works Director

12. **A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee Not To Name The New Tennis Center At Flaming Park (The Center) The "Flamingo Park Tennis Center," As Proposed By The Flamingo Park Neighborhood Association And, Further, To Keep The Existing Proposed Name Of**

Neighborhood Association And, Further, To Keep The Existing Proposed Name Of The Center As The "Flamingo Park/Holtz Tennis Center," In Accordance With The Intent Of The Prior Agreement(s) Entered Into By The Tennis Center," In Accordance With The Intent Of The Prior Agreement(s) Entered Into By The City.
Item R7I, June 5, 2013

Kevin Smith, Parks and Recreation Department Director

13. Discussion Regarding The Issue Of The Use Of Medical Marijuana

Item under Recommendations
Discussion at Committee.

Consider asking the Florida State Legislature to consider the use of Medical Marijuana
Notify the Homeowner's associations and the PTAs at the schools of this issue

Debbie Turner, Legal Department Monday
Marcia Monserrat and Leslie Rosenfeld to handle notifications

14. An Ordinance Amending Miami Beach City Code Chapter 2 Entitled "Administration," Article VII Entitled "Standards Of Conduct," Division 2 Entitled "Officers, Employees, And Agency Members," By Amending Section 2-446 Thereof Entitled "Declaration Of Policy" To Provide For Limited Standards Of Conduct Applicable To The City's Special Masters, And Creating City Code Section 2-461 Establishing Special Master Lobbying Prohibitions; Providing For Repealer, Severability, Codification, And An Effective Date.
Commission Item, C4F, April 17, 2013
(Requested by Commissioner Weithorn)

Deborah Turner, City Attorney's Office

c: Mayor and Members of the City Commission
Jimmy L. Morales, City Manager
Jose Smith, City Attorney
Jorge Gomez, Assistant City Manager
Kathy G. Brooks, Assistant City Manager
Mark Taxis, Assistant City Manager
Eric Carpenter, Public Works Director
Marcia Monserrat, Special Projects Administrator
Rafael E. Granado, City Clerk
Stephen Scott, Building Department Director
Hernan Cardeno, Code Compliance Division Commander
Alexis Denis, Procurement Director
Barbara Hawayek, Customer Service Manager

Neighborhood/Community Affairs Committee Meeting
June 26, 2013

Consideration And Discussion Of Proposed Amendments To The City's Noise Ordinance.

Commission Item C4C, June 1, 2011

(Requested by City Attorney's Office)

Last discussed at NCAC July 7, 2011 regarding regulatory and cleanup changes – To return to NCAC to discuss policy changes

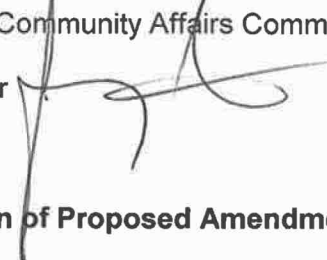
Hernan Cardeno, Code Compliance Division Commander
Stephen Scott, Building Director

ITEM #1



COMMITTEE MEMORANDUM

TO: Members of the Neighborhood/Community Affairs Committee

FROM: Jimmy L. Morales, City Manager 

DATE: June 26, 2013

SUBJECT: **Consideration and Discussion of Proposed Amendments to The City's Noise Ordinance.**

The request to refer the discussion regarding proposed amendments to the City's Noise Ordinance was originally referred by the City Attorney's Office. The Neighborhood/Community Affairs Committee held discussion at its July 7, 2011 meeting where the committee moved to send only the regulatory and cleanup language to the Commission and deferred the policy decisions to a future meeting. The regulatory changes were completed with Ordinance 2011-3737 at the September 14, 2011 Commission meeting.

A meeting was held on June 7, 2013 including Assistant City Manager Mark Taxis, Senior Assistant City Attorney Alek Boksner, Code Compliance Commander Hernan Cardeno, Special Projects Coordinator Marcia Monserrat, Code Compliance Division Director Robert Santos-Alborná. After discussion and deliberation on a number of issues, including but not limited to an opinion by 11th Judicial Circuit on Appellate Capacity on a noise case (Star Island Entertainment LLC) and its potential effect on process, the use of noise meters, etc., it was decided that no further amendments are to be recommended at this time.

Neighborhood/Community Affairs Committee Meeting
June 26, 2013

Discussion To Consider Leaving The Altos Del Mar Location As Passive Greenspace.
Commission Item C4E, October 19, 2011
(Requested by Commissioner Exposito)
Last discussed at NCAC December 8, 2011

Kevin Smith, Parks and Recreation Department Director

ITEM #2



MIAMI BEACH

MEMORANDUM

TO: Neighborhood/Community Affairs Committee

FROM: Jimmy L. Morales, City Manager

DATE: June 26, 2013

SUBJECT: **Update To The Discussion To Consider Leaving The Altos Del Mar Location As Passive Greenspace.**

Background

At the October 19, 2011, City Commission meeting, at the request of Commissioner Exposito, the City Commission referred a discussion concerning Altos Del Mar Park's future use and the possibility of designating it as a passive use site, to the Neighborhood/Community Affairs Committee (Committee).

This discussion item was included on the December 8, 2011, Neighborhoods /Community Affairs Committee agenda. However, when the item came up Commissioner Libbin advised that no discussion would be held as there was no progress to report on the Altos del Mar location at the time.

Progress Update

Subsequent to this meeting, the administration requested that the Parks and Recreation Department take the lead and complete the required planning actions to move the discussion of this Park forward in order to determine the future use, amenities provided, design criteria and ensuing Park construction.

In order to effectively complete the afore listed activities, The Parks and Recreation Department advised the Administration that a comprehensive Master Plan should be developed in collaboration with all stakeholders, in order to create a contemporary Basis of Design Report, (BODR). These actions will lead to the future development of this Park with the assurance of broad-based community support.

In response to this request, on May 30, 2013, the City Manager signed a Continuing Services Agreement with AECOM Technical Services, Inc. for the production of the Altos Del Mar Master Plan (Please see the attached agreement including the scope of services with AECOM Technical Services).

Conclusion

The Administration will work with AECOM and the community to complete the Altos Del Mar master planning process in a timely manner to develop this remaining oceanfront park for the enjoyment of the community and, will bring the plan to the Committee or the full City Commission for review and comment at the appropriate times within this process.

JLM/JMT/KS/JO

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Work Authorization

AECOM Technical Services, Inc. No.: TBD

Work Authorization Date: 05/16/13

AECOM Technical Services, Inc. Project Name: Altos Del Mar Park Master Plan

This Work Authorization is made and entered into pursuant to the Continuing Services Agreement, dated August 31, 20 11 by and between City of Miami Beach (Client), and AECOM Technical Services, Inc. (AECOM), 150 N. Orange Avenue, Orlando, Florida 32801. Pursuant to the terms of the Continuing Services Agreement, Client desires to authorize AECOM to proceed with an agreed upon scope, as described herein.

I. Project Description

It is AECOM understanding that our services will be the limits of the approximate 2 acre Altos Del Mar Park parcels bordered by 77th Street to the North, 76th Street to the South, Collins Avenue to the West and Beachwalk to the East as well as improvements to the parking lot directly south along 75th Street. Altos Del Mar Park must provide for the recreational needs (primarily passive and general recreation) of area residents and the General Plan must be developed through a process that includes the assistance and consent of community residents and the approval of City of Miami Beach key stakeholders.

II. Scope of Services

AECOM is hereby directed to perform the following Scope of Services:

See attached Schedule 1

III. Assigned Personnel

Greg Ault	-	Principal-In-Charge
Gustavo Santana	-	Project Manager
Donald Wishart, RLA	-	Senior Landscape Architect
Brook Dannemiller, RLA, LEED AP	-	Landscape Architect / Planner
Nicholas Kuhn, RLA	-	Landscape Architect
Ryan Cambridge	-	Landscape Designer
Guillermo Regalado, PE	-	Civil Engineer
Randy Mejeur	-	Senior Ecologist

IV. Compensation

All services shall be provided on a fixed fee not to exceed \$67,935. Actual direct expenses incurred shall be billed to the project at 1.15x cost. Compensation shall not exceed the limits specified herein without the prior written consent of the Client. See attached schedule 2.

All Work Authorizations are made a part of and serve as an extension to the original agreement. All terms and conditions of the Continuing Services Agreement remain in place and unaltered. Further, this Work Authorization does not waive either parties' responsibilities or obligations provided under the original Agreement.

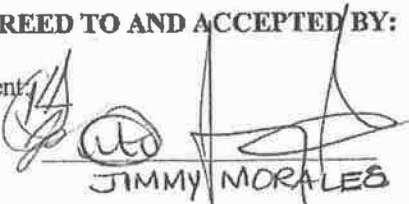
AGREED TO AND ACCEPTED BY:

Client:

By:

Its:

Date:


JIMMY MORALES

CITY MANAGER

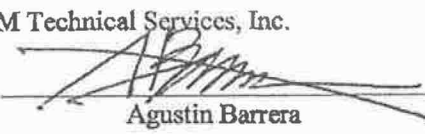
5/30/13

AECOM Technical Services, Inc.

By:

Its:

Date:


Agustin Barrera

Vice President

5/17/13

SCHEDULE 1
AECOM Basic Services**PROJECT DESCRIPTION**

It is AECOM understanding that our services will be the limits of the approximate 2 acre Altos Del Mar Park parcels bordered by 77th Street to the North, 76th Street to the South, Collins Avenue to the West and Beachwalk to the East as well as improvements to the parking lot directly south along 75th Street. Altos Del Mar Park must provide for the recreational needs (primarily passive and general recreation) of area residents and the General Plan must be developed through a process that includes the assistance and consent of community residents and the approval of City of Miami Beach key stakeholders.

Key issues for this site include:

- The development of an appropriate range of spaces and facilities for general and passive recreation, such as, open play areas (non-lighted and lighted), walking paths, landscape areas, etc.
- Performance area with possible moveable stage
- Opportunities and constraints for the park presented by the adjacent Public Library and parking lot property
- Accessibility for the surrounding neighborhood via street end connectivity to existing Beachwalk
- provide input for arts in public place initiatives (art works by others)

The work plan for completing the General Plan is organized by the following sequence of tasks:

- Task 1 Project Scoping
- Task 2 Synthesis of Inputs
- Task 3 Analysis
- Task 4 Community Workshop
- Task 5 General Plan Concepts
- Task 6 Community Meeting
- Task 7 Consensus Concept Plan and Report

We understand that a City Steering Committee comprised of appropriate Department staff (Project Manager, Chief of Planning and Research, Assistant Director of Planning and Development and Region Manager of Operations, etc...) to review the planning process and approve all final documents submitted by the Consultant.



AECOM
800 Douglas Entrance
North Tower, 2nd Floor
Coral Gables, FL 33134
www.aecom.com

305.447.3545 tel
305.447.3580 fax

Altos Del Mar Park City of Miami Beach, Florida

Scope of Services

***April 24, 2013 /
Rev May, 16, 2013***

PART I – Design Services**Task 1 Project Scoping**

- 2.1 **Kick-off Meeting** – AECOM will organize a kick-off meeting with the Client and the project team in the Client's offices to kick-off the project. The agenda for the meeting will include:

- Client objectives
- Project issues
- Preliminary development program
- Project requirements
- Team member responsibilities
- Schedule

Deliverables – As a result of these tasks, AECOM shall produce the following:

- One (1) copy of summary of the meeting notes

Task 2 Synthesis of Inputs

- 2.2 **Project Coordination** – In addition to the specific services detailed below (the "Services"), AECOM shall coordinate our work with the Client's representative and the Client's project team, monitor the project schedule as it relates to the scope contained herein, and provide timely invoicing and reporting of project progress.

- 2.3 **Base Data** – The Client will provide AECOM with the following data that AECOM will incorporate into the development of existing data research and base plans prior to beginning design work. AECOM shall rely on all information supplied by the Client as accurate and correct. Additional work required due to inaccurate, incorrect, or incomplete information supplied by the Client shall be completed as an Additional Service.

- Area Demographics
- Existing Planned Local and Citywide Park Facilities
- City's local levels of service and leisure
- Boundary
- Topography
- site survey
- tree survey
- architectural plans
- civil plans

- 2.4 **Site Inventory** – AECOM will collect the necessary site information as provided by Client for the design. Field activities during this task will include general inventory of site conditions and a scheduled field visit with the Department's key personnel for a preliminary assessment of the site being impacted and to determine the feasibility for implementation of the proposed scope. Specific activities will include site photography to document existing conditions, record elements of each site and its landmarks and record general conditions and character of surrounding properties as they relate to the project site.

Deliverables – As a result of these tasks, AECOM shall produce the following:

- One (1) copy of summary of base data collected
- One (1) copy of summary of inventory data collected

Task 3 Analysis

- 2.5 **Site Analysis** – AECOM will visit the site in order to develop an understanding of the site's opportunities and constraints. The analysis will consider the conditions of the site and the surrounding areas and potential impacts from the proposed design. Current use of the site, anticipated recreational use, access patterns, security, management and possible impacts on the neighboring properties are some of the issues that will be taken into consideration in the analysis process.

Deliverables – As a result of these tasks, AECOM shall produce the following:

- One (1) copy of summary of memorandum of opportunities and constraints

Task 4 Community Workshop

- 2.6 **Workshop** – AECOM will facilitate a meeting with the Client and the general public to develop a shared vision for the project. The purpose of this exercise is to develop an image of the project based on the development program and themes discussed. AECOM will listen and work together with the Department and general public to come to an understanding about the project, define goals and limitations and decide how these might be incorporated into various ideas. The goal of the exercise will be to develop, through the visioning process, creative yet realistic proposals for the park that will be interesting while at the same time financially and environmentally feasible. The City will be responsible for the logistics relative to the workshop, including advertisement, providing meeting space and equipment, etc.

Deliverables – As a result of these tasks, AECOM shall produce the following:

- One (1) copy of workshop presentation and handout materials
- One (1) copy of memorandum summarizing ideas and comments from the workshop

Task 5 Preliminary Concept Plans

- 2.7 **Design Intent** – AECOM will attend a meeting with the Client to develop a shared vision base on the general public outreach for the project. The purpose of this exercise is to develop an image of the project based on the development program and themes discussed. The meeting will define the image and design vocabulary for the project that will be used by the Client and the design team to measure the appropriateness of future design decisions. The image and design vocabulary must be approved by the project Owner prior to AECOM beginning design work.
- 2.8 **Conceptual Design** – Based on the themes discussed with the Client, AECOM shall prepare two (2) preliminary site plan concepts, including plantings, paving, site furnishings and amenities, and connectivity. The following will constitute the scope of AECOM's work:
- Overall landscape plan identifying proposed plant massing and theming
 - Order of magnitude statement of probable cost

Project elements are anticipated to include the following:

- Main entry feature
- Park connectivity
- Site amenities
- Pedestrian walkways and paths (fire/emergency egress paths, building to sidewalk coordination and ADA compliance shall be the responsibility of the Client)
- Landscape Plan
- Preliminary aesthetic grading and berming

2.9 **Conceptual Statement of Probable Cost** – AECOM shall prepare a preliminary statement of probable construction cost for the landscape architectural elements detailed in the conceptual design.

2.10 **Client Review** – The Client will review the preliminary conceptual design plans and statement of probable cost and provide a consolidated set of written review comments to AECOM. AECOM will proceed with the schematic design phase of the work, incorporating the Client's review comments into the plans in the next phase of the work. Additional revisions or concepts requested by the Client shall be provided as an Additional Service.

2.11 **Presentation Graphics** – AECOM will prepare the following graphics for presentation of the Client and Owner. Collecting, mounting and packaging of the graphics shall be the responsibility of the Client.

- Three (3) color (revised) rendered sketches to illustrate the design intent of the amenities and other landscape architectural features
- Theming board of images and graphics illustrating the character and theme of the project

2.12 **Client Review** – The Client will review the schematic design documents and provide a consolidated set of written review comments to AECOM. AECOM shall proceed with the preparation of the design development phase of the work, incorporating the Client's review comments into the next phase of the work. Additional revisions requested by the Client shall be provided as an Additional Service.

Deliverables – As a result of these tasks, AECOM shall produce the following:

- One (1) set of preliminary site plan for each of the two (2) concepts
- One (1) set of illustrative graphics for each of the two (2) concepts
- One (1) copy of the order of magnitude statement of probable cost for each of the two (2) concepts

Task 6 Community Meeting

2.13 **Concept Plan Presentation** – AECOM will coordinate with the Department a public community meeting utilizing an open-house format to solicit additional community input into the Conceptual Plans. AECOM and Department staff and other designated representatives will be present at various stations in one room to help answer questions and showcase proposed development concepts on a one-on-one basis with the general public. AECOM will be responsible for answering technical questions, making an informal

presentation and preparing the necessary handout materials. The meeting will be open to the community for comments

Deliverables – As a result of these tasks, AECOM shall produce the following:

- *One (1) copy of summary of the meeting notes and community comments*

Task 7 Consensus Concept Plan and Report

- 2.14 **Client Review Meeting** - AECOM will attend one (1) meeting with the Client to review input on the conceptual plan options. Minor revisions will be incorporated into the documents based on review comments from each meeting and community meeting. Major revisions shall be provided as an Additional Service. After the review meeting, AECOM shall proceed with the preparation of a consensus concept plan, incorporating revisions suggested during the Client review.
- 2.15 **Consensus Concept Plan Presentation** - AECOM will attend one (1) meeting with the Client to present to the City Commission for comments and approval. Minor revisions will be incorporated into the documents based on review comments from the City Commission. Major revisions shall be provided as an Additional Service. After the presentation meeting AECOM shall proceed with the preparation of the final conceptual plan, incorporating revisions suggested during the City Commission presentation.
- 2.16 **Historic Preservation Board Meetings** - AECOM will attend up to two (2) meeting with the Client and Historic Preservation Board to present preferred plan option. Minor revisions will be incorporated into the documents based on review comments from each meeting. Major revisions shall be provided as an Additional Service. After the review meeting, AECOM shall proceed with the preparation of final concept plan, incorporating revisions suggested during the review.
- 2.17 **City Commission Meetings** - AECOM will attend up to two (2) meeting with the Client and City Commission to present preferred plan option. Minor revisions will be incorporated into the documents based on review comments from each meeting. Major revisions shall be provided as an Additional Service. After the review meeting, AECOM shall proceed with the preparation of final concept plan, incorporating revisions suggested during the review.
- 2.18 **Final Conceptual Plan Presentation** - AECOM will attend one (1) meeting with the Client to present to the community for final approval. No revisions will be incorporated into the documents based on potential comments from the community. Revisions shall be provided as an Additional Service. After the presentation meeting AECOM shall proceed with the preparation of the final conceptual plan report.

Deliverables – As a result of these tasks, AECOM shall produce the following:

- *One (1) set of the consensus concept plan documents per review and presentation meeting*
- *One (1) copy of the order of magnitude statement of probable cost per review and presentation meeting*

- 2.19 Final Concept Plan Report** - AECOM shall prepare the final concept plan report, consisting of brief narrative text, supporting graphics, and probable cost for development, Final report will incorporate review comments from the review and presentation meetings.

Deliverables – As a result of these tasks, AECOM shall produce the following:

- *Five (5) sets of the Final Concept Plan Report*
- *One (1) 24"x36" hardcopy of the Final Concept Plan*
- *One (1) digital copy of the Final Concept Plan Report*

Additional Services – AECOM will provide Additional Services as mutually agreed between AECOM and the Client. An equitable adjustment to AECOM's compensation and time for performance will be made through an amendment to this Agreement for any Additional Services.

PROJECT SCHEDULE

AECOM is prepared to begin work on the project immediately upon receipt of this executed Letter of Agreement and a retainer if required under Compensation. AECOM, in consultation with the Client, shall perform its work in such a manner as to comply with a mutually agreed schedule.

ASSIGNED PERSONNEL

The following personnel from AECOM will be assigned to this project, and will have the responsibilities described:

Greg Ault	-	Principal-In-Charge
Gustavo Santana	-	Project Manager
Donald Wishart, RLA	-	Senior Landscape Architect
Brook Dannemiller, RLA, LEED AP	-	Landscape Architect / Planner
Nicholas Kuhn, RLA	-	Landscape Architect
Ryan Cambridge	-	Landscape Designer
Guillermo Regalado, PE	-	Civil Engineer
Randy Mejeur	-	Senior Ecologist

SCHEDULE 2**AECOM Fees**

The Basic Services in the scope of work (Schedule 1) will be provided for a fixed fee of \$67,935 plus direct expenses.

Task 1 Project Scoping	\$1,645
Task 2 Synthesis of Inputs	\$6,350
Task 3 Analysis	\$2,535
Task 4 Community Workshop	\$15,945
Task 5 Alternative Plan Concepts	\$13,585
Task 6 Community Meeting	\$11,155
Task 7 Consensus Concept Plan and Report	\$13,845
Sub-Task 7: 2.16 + 2.17	<u>\$2,875</u>
 TOTAL	 \$67,935

The Following is an approximate breakdown for the planned dedicated hours for each individual assigned staff for the duration of the scope of work.

Project Principle	80	Hours
Project Manager	200	Hours
Landscape Architect	200	Hours
Planner	110	Hours
Administrative Assistant	20	Hours

The fee for any Additional Services approved by the Client shall be as detailed in a separate authorization for those services.

SCHEDULE 3

AECOM Current Hourly Rate Schedule

AECOM provides consulting services in environmental planning, planning, transportation planning, urban design and landscape architecture. Compensation is based on the following schedule of fees and charges:

HOURLY LABOR RATES AS PER CITY OF MIAMI BEACH AGREEMENT WITH AECOM

Project Principal	\$ 150.00	Project Engineer (Consult or Other)	\$ 101.00
Project Manager	\$ 120.00	Sr. Field Services Professional	\$ 101.00
Senior Civil Engineer	\$ 120.00	Field Services Professional	\$ 70.00
Civil Engineer	\$ 101.00	Threshold Inspector	\$ 120.00
Senior Electrical Engineer	\$ 120.00	Structural Special Inspector	\$ 95.00
Electrical Engineer	\$ 101.00	Technical Editor	\$ 65.00
Senior Mechanical Engineer	\$ 120.00	Senior GIS Specialist	\$ 101.00
Mechanical Engineer	\$ 101.00	GIS Specialist	\$ 75.00
Senior Structural Engineer	\$ 120.00	Staff Engineer/Geologist/Scientist	\$ 82.00
Structural Engineer	\$ 101.00	Landscape Designer	\$ 83.00
Senior Environmental Engineer	\$ 120.00	Planner	\$ 101.00
Environmental Engineer	\$ 101.00	Project Principal (Structural Engineer)	\$ 150.00
Environmental Technicians	\$ 85.00	Project Manager (Structural Engineer)	\$ 120.00
Environmental Specialist	\$ 55.00	CAD Technician (Structural)	\$ 55.00
Environmental Permit Specialist	\$ 55.00	Traffic Engineers	\$ 101.00
Project Scientist	\$ 105.00	Cost Estimator	\$ 65.00
Senior Surveyor	\$ 120.00	Specifications Writer	\$ 55.00
Surveyor	\$ 101.00	Construction Administrator / Manager	\$ 82.00
Surveyor Support Staff	\$ 80.00	Senior Project Manager	\$ 120.00
Senior Architect	\$ 120.00	M/E/P Project Engineer	\$ 120.00
Architect	\$ 101.00	Horticultural/maintenance Consultant	\$ 75.00
Senior Designer	\$ 120.00	Irrigation Engineer	\$ 82.00
Designer	\$ 83.00	Job Captain	\$ 80.00
Senior Urban Planner	\$ 120.00	Interior Designer	\$ 83.00
Senior CAD Technician	\$ 80.00	Principal/Director of Design	\$ 120.00
CAD Technician	\$ 55.00		
Senior Landscape Architect	\$ 120.00		
Landscape Architect	\$ 101.00		
Clerical	\$ 35.00		
Administrative Assistant	\$ 35.00		
Survey Crew Party of 2 w/ GPS	\$ 122.33		
Survey Crew Party of 2 w/ GPS	\$ 146.53		
Survey Crew Party of 3 w/ GPS	\$ 148.21		
Survey Crew Party of 3 w/ GPS	\$ 171.31		
Survey Crew Party of 4 w/ GPS	\$ 183.75		
Survey Crew Party of 4 w/ GPS	\$ 217.50		
Sr. Inspector (CEI)	\$ 90.00		
Inspector (CEI) Field or Conveyance	\$ 82.50		

OTHER LABOR RATES

Rates for expert testimony, litigation support, personal service contracts, and depositions/court appearances are subject to an additional premium. If additional services are authorized during the performance of a contract, compensation will be based on the Schedule of Fees in effect at the time the services are authorized.

ANNUAL BILLING RATE ADJUSTMENTS

Billing rates are adjusted each calendar year to reflect updated labor cost categories. Labor cost of work authorized in subsequent calendar years will be based on current billing rates for those years.

DIRECT EXPENSES

Direct expenses are billed at the amount charged, as described below, plus a 15% administration cost, unless otherwise specified by the contract.

1. Out-of-pocket expenses (such as, but not limited to, travel, messenger service, lodging, meals, blueprint, reproduction, photographic services, supplies, satellite phones): Cost, as charged to AECOM.
2. Subcontractors fee: As quoted for each project.
3. Passenger cars: current federal rate.
4. Reproduction: \$0.20 per page (B/W; 8-1/2" x 11"); \$1.00 per page (color, 8-1/2" x 11"); others, at cost.
5. Specialized equipment usage fee (e.g., air/noise monitoring equipment, fisheries equipment, GPS, etc): \$50-\$250/day



Neighborhood/Community Affairs Committee Meeting
June 26, 2013

Discussion Regarding Considering Hosting A Biannual Art Camp Held In Miami Beach In Cooperation With UNESCO.

Max Sklar, Tourism and Cultural Development Director

ITEM #3



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Neighborhoods/Community Affairs Committee Members

FROM: Jimmy L. Morales, City Manager 

DATE: June 26, 2013

SUBJECT: **DISCUSSION REGARDING CONSIDERING HOSTING A BIENNIAL ART CAMP HELD IN MIAMI BEACH IN COOPERATION WITH UNESCO.**

BACKGROUND

At the Neighborhoods/Community Affairs Committee meeting held on April 29, 2013, there was a discussion, requested by Commissioner Libbin, regarding considering hosting a biennial art camp held in Miami Beach in cooperation with UNESCO. After some discussion by the Committee members present, the Committee requested a review of the proposal and a recommendation from the Miami Beach Cultural Arts Council (CAC).

At their regular meeting on May 2, 2013, CAC members were given printed background materials about the Art Camp and asked to investigate and evaluate the proposal for discussion at their June meeting. At the following regular CAC meeting held June 6, 2013, the members discussed the item and voted unanimously not to endorse the proposed Art Camp for the following reasons:

1. Members found the budget to be inadequate and unrealistic; actual costs were estimated to be 3 -10 times higher.
2. Miami Beach lacks the proper facilities for housing and cooking required by the project.
3. Only 2 or 3 of past participating artists had gallery affiliations; most were "community artists" with no resale value.
4. The events in Andorra generated no traceable press coverage of any kind; web searches reveal only items generated by the Art Camp itself.
5. Members felt strongly that the participating artists would be the only ones to benefit from the project.

TCED staff had requested further information on media coverage and other benefits derived from the Andorra events from Ms. Corinne Arazi, an associate of the European organizers who attended the initial meeting with Commissioner Libbin and City staff. Such information has not been provided. Subsequent e-mails to Ms. Arazi remain unanswered.

CONCLUSION

The Administration seeks direction on how to proceed.

**Neighborhood/Community Affairs Committee Meeting
June 26, 2013**

Discussion Regarding Bicyclist Safety Campaign With The Miami Beach Police Department, Deco Bikes And Local Bicycle Rental Companies.
Commission Item, C4Q, March 13, 2013
(Requested by Commissioner Weithorn)

Jose Gonzalez, Manager Transportation Department

ITEM #4



MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhoods/Community Affairs Committee

FROM: Jimmy L. Morales, City Manager

DATE: June 26, 2013

SUBJECT: **DISCUSSION REGARDING BICYCLIST SAFETY CAMPAIGN WITH THE MIAMI BEACH POLICE DEPARTMENT, DECOBIKE, AND LOCAL BICYCLE RENTAL COMPANIES.**

This item was requested by Commissioner Weithorn and referred to the Neighborhoods/Community Affairs Committee for discussion.

BACKGROUND

New census data shows that Miami Beach ranks tenth in the list of cities in the United States where people are most likely to use bicycles to commute to work. This national recognition is substantiated by the results of the City's Community Satisfaction Survey which documented that, in 2012, 11% of residents either walked or used a bicycle as their primary mode of transportation. In the South Beach area, this figure rose to 26%. The Community Satisfaction Survey further reflects that 48% of residents would be willing to use a bicycle as an alternative to a car. This figure is significantly higher than the 17% reported in 2009. By way of context, the national average for commuter bicycle trips is 0.56% and the figure is even lower for Miami-Dade County.

As a result of the number of cyclists currently traveling on the City's streets, sidewalks, and pedestrian pathways, the number of conflicts, violations, and accidents has also increased. Therefore, the City plans to launch a bicycle safety education campaign in advance of any active police enforcement of bicycle laws.

ANALYSIS

The City has conducted bicycle safety campaigns in recent years, some in partnership with the Florida Department of Transportation (FDOT) and the University of Miami Bike Safe Program. The "No Gas No Problem" brochure (Attachment A) was prepared and distributed by the City's Transportation Division as part of a previous bicycle safety campaign. The brochure was useful in educating the community on the City's Atlantic Greenway Network and included relevant bicycle projects and initiatives at that time and "rules of the road" for bicyclists.

The City is currently airing ten (10) public service announcements (PSA) pertaining to bicycle safety on MBTV Channel 77. The following seven (7) PSAs on MBTV Channel 77 were sponsored by FDOT as part of various statewide bicycle safety education campaigns:

- Bike Safety- Keep Traffic Flowing
- Bike Safety- Obey Signs and Signals

- Bike Safety- Taking the Lane
- Bike Safety- The Law
- Bike Safety- Public Perception
- Bike Safety (For Kids)- Spanish
- Bike Safety (For Kids)- English

The PSAs are generally about 30 seconds in duration and focus on the rules of the road. In addition to the FDOT-sponsored PSAs, the City's Communications Department produced three (3) PSAs which are currently airing on MBTV Channel 77 and focus on the proper use of sharrows (shared-use lanes), community bicycling, and bicycling as a solution for traffic problems in Miami Beach.

In 2012, FDOT launched a statewide bicycle safety education campaign that included a synopsis of Florida Bicycle Laws (Attachment B). On April 3, 2013, FDOT and Public Works/Transportation Division hosted the FDOT Pedestrian/Bicyclist Roadway Safety Audit Training. The purpose of the two-day training was to educate state and local transportation officials and law enforcement officers in an effort to help lower the pedestrian and bicycle crash rates in the State of Florida. As part of this training, attendees conducted an on-site audit of pedestrian safety along Alton Road from 5th Street to Michigan Avenue.

As part of an initial phase of the City's bicycle safety campaign, the Miami Beach Police Department is currently disseminating an "Operation Cycle Safe" flyer (Attachment C) through social media networks and community outreach to home owner associations, condominium associations, and schools through its Neighborhood Resource Officers. The flyer identifies the five (5) bicycle laws most commonly violated in the City: Safe Passing Law, Helmet Law, Sidewalk Riding, Mandatory Use of Separated Facilities, and Bicycling Under the Influence.

NEXT STEPS

In an effort to become a bicycle-friendly community, promote safe cycling, and reduce the number of accidents and violations involving cyclists throughout the City, the Transportation Division is working with the Miami Beach Police Department to plan and launch a second phase of that campaign over the coming months focused on bicycle safety and education. It is anticipated that the campaign will launch in Summer 2013 and last six (6) months in duration. The campaign will be launched in coordination with Police, Fire, Public Works, Communications, DecoBike, local bicycle rental companies, and the City's newly created Bicycle/Pedestrian Facilities Advisory Committee (BPFAC).

Through partnerships, sponsorships, and proper outreach, the City's campaign is intended to reach and educate all types of bicyclists in our community – commuter and recreational cyclists, students, residents, and visitors. During the summer, the City will explore opportunities to partner with schools, summer camps, and youth centers to educate children on bicycle safety. It is anticipated that the 6-month campaign will culminate in an interactive and educational bicycle safety camp open to the community at large. The City will work with Police, Communications, BPFAC, FDOT, and the County to plan, sponsor, and promote the interactive bicycle camp.

The Transportation Division will update its previous bicycle safety brochure to ensure that the information regarding bicycle projects and initiatives is current. The brochure will include the information in the "Operation Cycle Safe" flyer prepared by Police. The brochures will be

disseminated during the campaign by Police Neighborhood Resource Officers. The City will promote an educational bicycle safety campaign on its website, through social media networks, printed media, and on MBTV Channel 77. The Administration will present campaign materials to the bicycle committee for discussion and input and then bring back to NCAC.

CONCLUSION

The above information is provided to the members of the NCAC for discussion and input.


KGB/EJC/JRG

F:\WORK\ALL\1) EMPLOYEE FOLDERS\Jose R. Gonzalez\NCAC\NCAC Memo - Discussion Regarding Bicylist Safety...

Neighborhood/Community Affairs Committee Meeting
June 26, 2013

**Referral of a Resolution Supporting The Efforts Of Miami-Dade County
And The Miami-Dade County Public Schools' Joint Roundtable On Youth
Safety to Neighborhood/Community Affairs Committee and Committee on
Quality Education.**

Commission Item, C4F, April 17, 2013)
(Requested by Mayor Matti Herrera-Bower

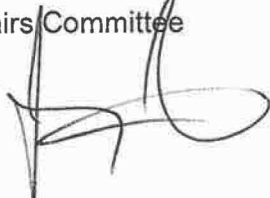
Leslie Rosenfeld, Organization Development Performance Initiatives

ITEM #5



COMMITTEE MEMORANDUM

TO: Neighborhoods/Community Affairs Committee

FROM: Jimmy L. Morales City Manager 

DATE: June 26, 2013

SUBJECT: **REFERRAL OF A RESOLUTION SUPPORTING THE EFFORTS OF MIAMI-DADE COUNTY AND THE MIAMI-DADE COUNTY PUBLIC SCHOOLS' JOINT ROUNDTABLE ON YOUTH SAFETY TO NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE AND COMMITTEE ON QUALITY EDUCATION**

This item was referred to the Neighborhoods/Community Affairs Committee for discussion by Mayor Matti Herrera-Bower at the City Commission meeting on April 17, 2013.

BACKGROUND

In 2013, a Joint Roundtable on Youth Safety was formed by Miami-Dade County Mayor Carlos A. Gimenez and Miami-Dade County Public Schools Superintendent Alberto M. Carvalho, to join community leaders across the County to declare with deliberate action and a unified voice that enough is enough. The joint Roundtable on Youth Safety was established to unite mayors and police chiefs from all 34 municipalities, as well as community stakeholders, in order to discuss the most effective means of safeguarding our children. Through guided discussions led by four targeted Working Groups, the Roundtable identified ways to leverage our collective resources, encourage and increase community engagement, and ensure the safety of our community's youth, not only in our schools, but also in our parks and neighborhoods.

The violence that regularly faces Miami-Dade's youth in their own neighborhoods requires that we, as a united community, each take personal responsibility for protecting our children. The answers do not lie in quick fixes or one size- fits-all solutions.

ANALYSIS

The recommendations presented in the Joint Roundtable on Youth Safety Community Action Plan aim to ensure that the Miami-Dade County community comes together for the long haul to develop a safe envelope around our schools and other public places where children gather.

It establishes first steps that will be taken by community leaders that have chosen to lead by example. It employs an approach that will engage the community as a whole, while also honing in on specific areas of the County that face chronic gun violence. The recommendations propose a holistic, comprehensive approach, inclusive of a continuum of work that will begin immediately.

The results of the collaboration are documented in the Roundtable's Community Action Plan

attached. This report details the processes taken to engage community leaders and proposes a collaborative, long-term approach that is to be implemented immediately.

CONCLUSION

The Administration requests the affected department review and consider implementation of the Roundtable's Community Action Plan recommendations (Attachment A). Of the twenty (20) recommended strategies police and parks departments can implement to increase police presence and visibility for in-school/out-of-school safety (Attachment B appendix 1/1b) and engagement of parks (Attachment B appendix 3) for out-of-school, the City is already implementing seven (7) and ten (10) are in-progress and can be easily implemented with minimal additional resources. The remaining three (3) will require additional resources:

- Truancy Sweeps – Truancy Sweeps are currently not being conducted. This type of detail would have a cost implication in the form of overtime.
- Crime Prevention through Environmental Design – MBPD personnel assess City Parks and provides a report with recommendations to Parks staff; however, there are costs associated with the implementation of the recommendations.
- Reserve/Volunteer Park Ranger Program – The creation of a park ranger program has been discussed in the past, and has associated cost implications. A policy discussion must take place to determine the scope, funding, and management of such a program.

The above information is presented to the members of the NCAC for discussion and further direction.



KGB/LDR

Attachments

ATTACHMENT A

Joint Roundtable on Youth Safety Recommendation Action Chart City of Miami Beach

Recommendation	Strategy Proposed	CMB Status (Please indicate status of strategy proposed – in progress, under development, not applicable, other)
Increase Police Presence and Visibility in Schools	Park and Talk	Implemented: the MBPD conducts regular park and walks as part of regular duties associated with community policing, and engage parents, students and teachers. In Progress: MBPD personnel will be coordinating periodic roll calls at Miami Beach schools.
	Conduct Roll Calls at Schools	Implemented: MBPD Neighborhood Resource Officers make presentations on different topics at local schools, and programs, such as Kindergarten Cops bring MBPD Officers to local schools for presentations on a variety of public safety topics.
	Classroom Presentations	In Progress: MBPD personnel will be directed to write reports when possible as part of regular duties associated with community policing
	Write Reports	Implemented: the MBPD conducts patrols of local schools as part of regular duties associated with community policing
	Quadrant Patrol	In Progress: MBPD personnel will be coordinating departmental training at Miami Beach schools.
	Departmental Training	In Progress: MBPD personnel will be coordinating public safety related community meetings at Miami Beach schools.
	Departmental Meetings	Other: Currently, MBPD participates in Kindergarten Cop Program at all of the local elementary schools. Efforts will focus on increased participation at all local
	Adopt-a-School	

Joint Roundtable on Youth Safety Recommendation Action Chart
City of Miami Beach

		schools.
	Use of Police Reserve Officer (PRO) Program	Other: Currently, the Police Reserve Officer Program is focused on augmenting regular patrol activities where possible.
	Tuancy Sweeps	Other: Tuancy Sweeps are currently not being conducted. This type of detail would have a cost implication in the form of overtime.
	Traffic Enforcement	Implemented: Traffic enforcement is conducted at all of the local schools during peak hours.
	Police Presence during Early Release Dates	Not Applicable: Police presence has not been necessary during early release dates.
	Route Safety	Implemented: the MBPD personnel have been directed to survey, monitor and enforce public safety laws at bus stops citywide as part of regular duties associated with community policing,
Engagement of Parks Departments	Work Stations at Critical Parks	Not Applicable: Regular duties associated with community policing have the same impact as establishing work stations at city parks.
	Police Athletic League (PAL) and Community Based Organizations	Implemented: MBPD personnel have a constant presence at the MB PAL, with an Officer serving as the Executive Director and department personnel volunteering to staff and participate in PAL programming.
	Partnership between Law Enforcement and parks personnel/enhanced relationships	In Progress: MBPD will work with the parks department to establish better communication and coordination with Parks Department personnel.
	Police Presence at Parks During Large Events/Gatherings	Implemented: MBPD currently schedules Officers for special events at City parks; however, overtime costs are associated

[illegible]

ATTACHMENT B

Miami-Dade County and
Miami-Dade County Public Schools

Joint Roundtable on Youth Safety Community Action Plan

March 8, 2013

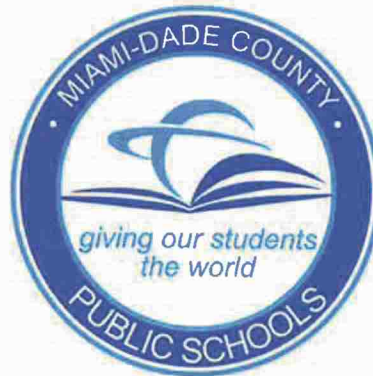




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Community Action Plan

Purpose

Over the years, senseless acts of violence have affected our entire nation. The recent tragedy in Newtown, Connecticut, horrified parents across the world, as mindless violence made its way directly into the heart of a place that had long been considered safe space for our children – an elementary school that could have been any elementary school across the country. Fear quickly steered the national conversations towards demands for action. The question, however, rests in determining what types of action will protect all children while also bolstering preventive measures on and off school campuses.

In establishing the *Joint Roundtable on Youth Safety*, Mayor Carlos A. Gimenez and Superintendent Alberto M. Carvalho have joined community leaders across the County to declare with deliberate action and a unified voice that *enough is enough* (See *Exhibit 1 – Op-Ed Articles*). The violence that regularly faces Miami-Dade's youth in their own neighborhoods requires that we, as a united community, each take personal responsibility for protecting our children. The answers do not lie in quick fixes or one-size-fits-all solutions.

The recommendations presented in this report aim to ensure that the Miami-Dade County community comes together for the long haul to develop a safe envelope around our schools and other public places where children gather. It establishes first steps that will be taken by community leaders that have chosen to lead by example. It employs an approach that will engage the community as a whole, while also honing in on specific areas of the County that face chronic gun violence. The recommendations propose a holistic, comprehensive approach, inclusive of a continuum of work that will begin immediately.

Structure and Timeline

The first *Joint Roundtable on Youth Safety* was held on January 18, 2013, at 2:00 p.m., at the Vizcaya Museum & Gardens Village Garage (See *Exhibit 2 – First Roundtable Invitation*). At the first *Roundtable*, Miami-Dade County (MDC) Mayor Carlos A. Gimenez and Miami-Dade County Public Schools (M-DCPS) Superintendent Alberto M. Carvalho brought together mayors and police chiefs from all 34 municipalities to begin discussing the most effective means to safeguard our children.

The discussion was guided by the following questions:

- What do we currently do to ensure that our children are safe at our schools? At our parks? In our neighborhoods? Are there strategies that we are not currently utilizing that should be explored? Are there policies that hinder these efforts?

- How do we currently support our most vulnerable youth? How are their needs assessed? How are services delivered? How is success determined? Are there gaps in this process that need to be reviewed?
- Are there current initiatives/community-based groups working together to address youth safety? Why and how were they created? How is success determined? Is there duplication of efforts? Can coordination across the County be improved? How can the impact of these efforts be maximized?

At this first meeting, all attendees were invited to participate in working groups that would delve into answering the guiding questions and formulating recommendations that would make our schools, parks, and neighborhoods safer (See *Exhibit 3 – Working Group Participation Form*). Each working group was chaired by at least one representative from MDC and one representative from M-DCPS. The co-chairs reached out to all municipalities and over 100 community organizations to participate in this process.

The objective of these working group meetings was to share successful practices, discuss current challenges, and define helpful recommendations for short and long-term solutions. The four working groups each met four times between February 1st and February 26th to develop recommendations to present as part of the comprehensive *Community Action Plan* at the second *Roundtable*.

The second *Joint Roundtable on Youth Safety*, held on March 8, 2013, at 3:00 p.m. at Miami Senior High School, allowed mayors and police chiefs to review the recommendations for short and long-term solutions developed by the working groups and discuss how to best implement them (See *Exhibit 4 – Second Roundtable Invitation*).

Working Groups

The working groups were structured in the categories listed below. All participating members were invited to attend all meetings. Additionally, all 16 working group meetings and both roundtables were appropriately noticed.

- **In-School Youth Safety Working Group**, which focused on the following questions:
 - What do we currently do to ensure that our children are safe at our schools? Are there strategies that we are not currently utilizing that should be explored? If strategies are not being used, what are the reasons and ways to overcome impediments? Are there policies, state or federal laws, or regulations in place that hinder these efforts?
- **Out-of-School Youth Safety Working Group**, which focused on the following questions:
 - What do we currently do to ensure that our children are safe at our parks? In our neighborhoods? Are there strategies that we are not currently

utilizing that should be explored? If strategies are not being used, what are the reasons and ways to overcome impediments? Are there policies, state or federal laws, or regulations in place that hinder these efforts?

- **Youth Services Working Group**, which focused on the following questions:
 - How do we currently support all of the youth in our community? How are their needs assessed? How are services delivered? How is success determined? Are there gaps in this process that need to be reviewed? What prevention strategies are currently in place in your community?
- **Community Education and Empowerment Working Group**, which focused on the following questions:
 - How can we engage our current initiatives/community-based groups and our residents to work together to address youth safety? Can coordination across the County be improved? How can the impact of these efforts be maximized? How can we share information as effectively as possible?

At each of the working group meetings, co-chairs provided all participants with an opportunity to share their ideas. All ideas were then prioritized and ranked by the groups, from which each group completed an action chart to address tangible steps that would need to be taken to implement the proposed recommendations.

Recommendations

As a result of the collective work of the participants in the aforementioned work groups, recommendations were vetted and ranked. Those that were deemed feasible and determined to have the greatest impact are reflected in the *Joint Roundtable on Youth Safety Recommendation Action Chart (Action Chart)*.

The *Action Chart* will serve as the roadmap to guide the work of the *Roundtable* and can be found on pages 7 – 35 of this report.

Pledge of Commitment and Resolution

Working Group members who expressed an interest in participating as stakeholders within this process were asked to sign a Pledge of Commitment (See *Exhibit 5*) affirming their organization's continued involvement in this vitally important partnership and support for improving youth safety in Miami-Dade County. Although all efforts were made to cast a wide net for participation, it is our intent to keep this an open-ended process. As such, organizations or municipalities that elect to get involved after the initial work has started are welcome to join the effort.

Municipalities that took part in the working groups will be asked to put forth a resolution before their governing boards to reaffirm their municipalities' continued involvement and support for improving youth safety. The draft resolution that MDC will present to the

Board of County Commissioners for consideration during their first meeting in April 2013 can also be found in *Exhibit 6*.

Moving Forward

Safeguarding the youth in our community is a long-term process that must be revisited regularly for comprehensive updates and concrete actions.

The long-term success of the *Roundtable's* efforts to address this important issue will depend on true community-wide buy-in, with each and every resident taking personal responsibility for the safety and well-being of our young people. Efforts to further engage the community will be implemented as noted in the Community Education and Empowerment Working Group's recommendations.

Moving forward on implementation steps for the *Action Plan* will begin immediately. It is our shared belief that the work of the *Roundtable* is just the first step in a collaborative, long-term process that will lead to the improved safety and enhanced quality of life for all of the residents of Miami-Dade County.



JOINT ROUNDTABLE ON YOUTH SAFETY RECOMMENDATION ACTION CHART



In-School Safety						
Recommendation	Lead Stakeholder	Additional Participating Stakeholders	Targeted Areas for Implementation	Action Steps for First 6 Months	Outcomes for 6 Month Benchmarks	Additional Funding
Increase Police Presence and Visibility In Schools	Miami-Dade Schools Police Department (MDSPD)	Agencies as noted in APPENDIX 1a, Local Law Enforcement, Miami Dade County Public Schools	Public, Private and Charter Schools throughout Miami-Dade County	See APPENDIX 1a.	<p>1. MDSPD will facilitate monthly meetings with law enforcement and school administrators to enhance presence and partnerships with school community, which will support better collaboration and cooperation between school administrators and law enforcement.</p> <p>2. After implementation of strategies, assess effectiveness through data collection.</p> <p>3. After data assessment, determine feasibility of continued or enhancement of identified strategies.</p>	To be determined by each stakeholders commitment

Recommendation	Lead Stakeholder	Additional Participating Stakeholders	Targeted Areas for Implementation	Action Steps for First 6 Months	Outcomes for 6 Month Benchmarks	Additional Funding
County-wide School Critical Incident Response Plan	MDSPD	MDPD (Lieutenant Edgardo Caneva) City of Miami Police Department	Public, Private and Charter Schools throughout Miami-Dade County	<ol style="list-style-type: none"> 1. Finalize plan and obtain buy-in from Miami-Dade Chiefs. 2. Share Lockdown Procedures With Local Agencies. 3. Develop and Implement Mock Exercises. 4. Facilitate Operational Reviews With Law Enforcement Agencies At School Sites. 5. Train school employees in plan. 	Finalized plan adopted.	To be determined
Limit Access While School Is In Session	Miami-Dade County Public Schools (MDCPS) Operations		Public, Private and Charter Schools throughout Miami-Dade County	<ol style="list-style-type: none"> 1. Evaluate the needs of each school based on CPTED vulnerability assessments. 2. MDSPD will continue conducting unannounced site visits to determine effectiveness of existing security practices. 3. Identify available technologies for use in the school environment through a pilot program involving identified schools. 4. Establish communication with private and charter schools to share plans and strategies. 	<ol style="list-style-type: none"> 1. Identify funding sources to purchase standardized electronic access control system and identification cards for students and staff. 2. Evaluate the effectiveness of the equipment/new technology to determine the feasibility of district wide implementation of additional equipment through research and development of established technologies. 	Bond and identify grant opportunities

Recommendation	Lead Stakeholder	Additional Participating Stakeholders	Targeted Areas for Implementation	Action Steps for First 6 Months	Outcomes for 6 Month Benchmarks	Additional Funding
Develop School Resource Officer Training	City of Miami Police Department Training Center, MDPSTI and Miami Dade College School of Justice		Law Enforcement Officers participating in school activities	Develop and offer training to all agencies throughout Miami-Dade County.	1. Establish quarterly best practices meeting between MDSPD and participating agencies. 2. Update and revise curriculum as needed or recommended during best practices meetings.	Region XIV and any other available funding sources
Cameras With Live Streaming Capabilities	MDCPS Capital Task Force	MDPD Homeland Security Detective Omar Garcia	Public, Private and Charter Schools throughout Miami-Dade County	1. Meet with Stakeholders to outline parameters. 2. Explore Smart Camera Technology.	1. Obtain mutual Agreement amongst all parties. 2. Proceed towards the implementation of the identified system.	To be determined
Research and Develop A Smart Device Reporting Application	Miami-Dade County Crime Stoppers	City of Miami Police Department Training Center	Students, Parents, Faculty, and general public	Implement and provide accessibility and promote Crime Stoppers application for use by the general public via smart devices such as phone and tablets.	1. Determine effectiveness of the application. 2. Identify any technical issues to be addressed. 3. Identify areas in need of improvement and make adjustments to improve the performance of the application. 4. Continue public awareness campaign.	To be determined
CPTED and Threat Assessment Evaluations	MDSPD	MDPD Homeland Security (Lieutenant Raul Martinez) and Local Law Enforcement with trained practitioners	Public, Private and Charter Schools throughout Miami-Dade County	Coordinate with MDPD Homeland Security to prioritize all MDCPS School facilities and schedule surveys.	1. Evaluate completed surveys. 2. Implement recommendations based on available resources.	To be determined

	Recommendation	Lead Stakeholder	Additional Participating Stakeholders	Targeted Areas for Implementation	Action Steps for First 6 Months	Outcomes for 6 Month Benchmarks	Additional Funding
	Create Coalition Of All Schools	Miami Dade College School of Justice (Dr. Hector Garcia)	Public, Private and Charter Schools throughout Miami-Dade County. Miami-Dade County Youth Commission	Public, Private and Charter Schools throughout Miami-Dade County.	1. Identify partnerships and schedule meetings with stakeholders. 2. Develop strategic plan to create the working coalition of non-public schools in Miami Dade County.	1. Recruit non-public schools stakeholders to develop goals and objectives related to the synthesis of these organizations within the overall functional aspects of the wider group based on strategic plan. 2. Establish coalition to address safety concerns at schools. 3. Hold quarterly meetings to discuss and identify needs germane to these non-public schools. 4. Develop an Action Plan to address needs.	To be determined
Out-of-School Safety							
Visibility	Truancy Sweeps	Miami-Dade Public Schools Police	Miami-Dade Police Department and Local Law Enforcement	Public, Private, and Charter Schools throughout Miami-Dade County.	See Appendix 1b.	Solidify/strengthen ongoing partnerships for truancy related operations.	To be determined pending operational planning and staffing needs.

	Recommendation	Lead Stakeholder	Additional Participating Stakeholders	Targeted Areas for Implementation	Action Steps for First 6 Months	Outcomes for 6 Month Benchmarks	Additional Funding
	Traffic Enforcement	Miami-Dade Police Department and Local Law Enforcement	Miami-Dade Public Schools Police , Parks Department	Areas frequented by youth after school hours or during commute/route	See Appendix 1b.	1. Solidify/strengthen ongoing partnerships for traffic enforcement and education related efforts. 2. Initiate method for feedback from stakeholders and community on our efforts.	To be determined pending individual detail planning and staffing needs.
	Police Presence During Early Release Dates	Parks Departments, Miami-Dade Public Schools Police, Local Municipalities	MDPD Homeland Security Fusion Center	Parks and facilities known for juvenile presence on early release dates	See Appendix 1b.	Implement announcement of early release dates to local government and law enforcement agencies.	To be determined based on staffing needs.
	Work Stations At Critical Parks	Parks Departments	State, Local, and Federal government partners	Parks and facilities known for youth activities and/or after school programs	1. Identify prioritized list of sites for work stations. 2. Identify agencies that would enjoy mutual benefit. 2. Draft Memorandum of Understanding between participating agencies.	Implement program.	To be determined based on needs and cost to parks.
Communication / Reporting	Centralized Crime Data Warehouse For All Law Enforcement	Miami-Dade Chiefs of Police Association via Miami Gardens PD (Chief Matt Boyd)	Miami-Dade Police Department, Local Law Enforcement, Parks agencies	County-wide	1. Hold meeting amongst stakeholders to outline parameters. 2. Explore options to gather and share data.	Identify/Launch platform for crime data sharing amongst stakeholders.	Funding will be needed, source to be determined based on available federal funding.

Recommendation	Lead Stakeholder	Additional Participating Stakeholders	Targeted Areas for Implementation	Action Steps for First 6 Months	Outcomes for 6 Month Benchmarks	Additional Funding
Mental Health Training	Judge Leifman's Office (Ms. Habsi Kaba)	MDCPS Police, Parks Department, CBOs, MDCPS (Ms. Debbie Montilla)	Managers and after-school program coordinators at parks and facilities known for youth activities and/or after-school programs	Develop training curriculum for target audience.	Implement training program.	To be determined based on training needs.
PAL & Community Based Organizations (CBOs)	YMCA (Mr. Brian Shearer)	CBOs, PAL organizations, Park agencies	County-wide	<ol style="list-style-type: none"> 1. Identify programs that would benefit from exchange of information. 2. Establish meetings to share information affecting PAL & CBOs. 	<ol style="list-style-type: none"> 1. Increase communication between organizations in related services to avoid duplication, increase awareness, identify areas for improvement. 2. Strengthen relationships with Law Enforcement. 3. Leverage program resources. 	To be determined based on needs assessment resulting from meetings
Enhanced Relationships Between Law Enforcement and Parks Personnel	Parks Departments	Law enforcement, MDCPS, CBOs	Parks and facilities known for youth activities and/or after school programs based on priority.	Identify means of enhanced communication and advanced schedules for meetings.	Solidify/strengthen ongoing partnerships between parks personnel, police and CBOs during scheduled meetings/events through increased police participation/presence.	No cost to realize.
Police Presence At Parks During Large Events/Gatherings	Parks Departments	Local law enforcement agencies	Parks and facilities known for youth activities and/or large gatherings/event	<ol style="list-style-type: none"> 1. Continue to implement special events administrative order (MDC) AO-8-3. 2. Share MDC order with municipalities. 	Enhanced safety and security at upcoming events.	Costs to be determined based on the event.

Physical/ Facility Security	Recommendation	Lead Stakeholder	Additional Participating Stakeholders	Targeted Areas for Implementation	Action Steps for First 6 Months	Outcomes for 6 Month Benchmarks	Additional Funding
	Enhance public awareness of existing crime prevention/ reporting programs	Citizen's Crime Watch of Miami-Dade	Parks Departments, Miami-Dade Schools Police, CrimeStoppers of Miami-Dade	1 st priority -Parks and facilities located in high crime areas based on top zip codes/patrol areas. 2 nd priority – All other parks as a crime prevention strategy	1. Formulate public awareness strategy for Youth Crime Watch Concept, Be Brave Hotline. 2. Add Signage/Enhance Park Watch Program To Include Surrounding Neighborhood. Crimestoppers. 3. Increase coordination between Crime Watch and Park Watch Programs.	Enhance awareness of Crime Watch – Be Brave and Park Watch to visitors of parks through installation of signs and other awareness materials/ campaigns.	To be determined based on survey of needs.
	Develop Lockdown Procedures at Parks	Parks Department	MDCPS Operations, CBOs and municipal parks	All parks with recreation centers and CBOs	1. Establish procedures and protocols for lockdown. 2. Develop training drills.	Implement lockdown procedures.	No cost anticipated.
	CPTED	Parks Department	Miami-Dade Police and local law enforcement agencies	Parks and facilities known for youth activities and/or after school programs based on priority list, which is based on assessment.	1. Identify parks for survey based on priority. 2. Begin security assessments.	Identify cameras/lighting needs based on CPTED recommendations.	Costs related to cameras/ lighting; funding source to be determined based on availability.
	Reserve/Volunteer Park Ranger Program	Parks Department	All park agencies	All parks	Develop policy for program.	1. Implement program and begin training. 2. Share results with park agencies.	Funding needed for training materials / uniforms.
	Security for Public Housing Near Parks	Miami-Dade Public Housing and Community Development	Miami-Dade Parks Department, local law enforcement agencies	Public housing bordering/near parks	Establish/strengthen relationship between housing site managers, parks, and local law enforcement.	Establish points of contact between affected entities and implement lines of communication.	No cost anticipated.

	Recommendation	Lead Stakeholder	Additional Participating Stakeholders	Targeted Areas for Implementation	Action Steps for First 6 Months	Outcomes for 6 Month Benchmarks	Additional Funding
<i>Route Safety</i>	Identify The School Bus Routes/Stops That Are Most Problematic	Miami-Dade County Public Schools Transportation	Miami-Dade Schools Police, Local Law Enforcement	Problematic bus routes to include stops and actual buses.	See Appendix 1b.	Increase police patrol and address problem areas.	No cost anticipated.
	Identify the MDT Routes And Stops That Are Most Problematic (Carrying Juveniles To And From School)	Miami-Dade Transit	Miami-Dade Schools Police and local law enforcement	Problematic MDT bus routes to include stops and actual buses.	See Appendix 1b.	Increase police patrol and address problem areas, and consider additional routes to expedite commute for youth.	To be determined based on recommended actions.
Youth Services							
<i>Systems of Care & Re-Entry</i>	Increase students' access to school-based behavioral/mental health services and referrals	Miami-Dade County Public Schools (MDCPS)		All students	1. Maintain qualified and credentialed site-based student services team. 2. CAHSD will provide 2012 Head Start Community Needs Information. 3. Comprehensive training for principals, teachers, and school personnel. 4. Establish health and mental health services throughout the school system.	Increased services and ratio of counselors to students.	To be determined based on the number of counselors needed.

Recommendation	Lead Stakeholder	Additional Participating Stakeholders	Targeted Areas for Implementation	Action Steps for First 6 Months	Outcomes for 6 Month Benchmarks	Additional Funding
Develop pathways to connect resources (stakeholder meetings)	MDCPS	See APPENDIX 2.	At-risk youth and families	<ol style="list-style-type: none"> 1. Recruit other service providers. 2. Conduct Universal Screenings. 3. Look into supplemental, mental and health clinics. 4. Agencies should present their community services directly to principals. 5. An individual (not on MDCPS payroll) who takes the responsibility of sending and linking community organizations with the school and the needs of students should be placed inside each schools. 	Coordinate monthly resource sharing/networking meetings for service providers (meetings will be established between the MDCPS, CBOs, and MDC).	Leverage blended funding for 6 month benchmark
Develop pathways to connect resources (stakeholder meetings)	MDCPS	See APPENDIX 2.	At-risk youth and families	<ol style="list-style-type: none"> 1. Gather and review information. 2. Recruit other resource links, i.e., Switchboard, Children's Trust. 	Develop Directory/Resource Book.	Leverage blended funding
Support the families by providing a family advocate/mentor for all youth reentering the community from some form of incarceration	Empower Youth	State Attorney's Office (SAO), Juvenile Services Department (JSD), Department of Juvenile Justice (DJJ), Administrative Office of the Courts (AOC), Department of Children and Families (DCF) and (CBO's)	Miami Gardens, Homestead, and Liberty City	<ol style="list-style-type: none"> 1. Identify resources needed to provide advocacy and mentorship for families 2. Tap into faith-based community programs for support. 	Develop Memorandum of Understanding (MOU) for service delivery.	

	Recommendation	Lead Stakeholder	Additional Participating Stakeholders	Targeted Areas for Implementation	Action Steps for First 6 Months	Outcomes for 6 Month Benchmarks	Additional Funding
	One Stop education center for youth reentering the community after release from confinement or juvenile justice programs to prevent drop-out	MDCPS	State Attorney's Office (SAO), Public Defender (PD), Juvenile Services (JSD), Dept. of Juvenile Justice (DJJ), Administrative Office of the Courts (AOC), and Community Based Organizations (CBO's)- DCF, Our Kids, and South Florida Workforce	Miami Gardens, Homestead, and Liberty City	<ol style="list-style-type: none"> 1. Explore the re-entry court pilot One Stop through partnerships with schools, DJJ, and CBO's 2. Establish and transition protocol for all youth entering a correctional facility to assist in motivating youth as they're released from confinement 3. Identify best practice programming for youth reentering the community i.e. Pilot drug court scenarios and re-entry court with judges 4. Develop White Paper detailing the plan. 	Finalize White Paper.	Explore funding options
	Training and retention of a cadre of effective Juvenile Judges	Public Defenders	SAO, JSD, DJJ, AOC, and CBO's	County-wide	<ol style="list-style-type: none"> 1. Reach out to the Chief Judge to schedule meeting. 2. Begin advocating for the ongoing training and retention of effective juvenile judges. 	Work with Chief Judge to train and engage juvenile judges.	To be determined
<i>Family Engagement</i>	Develop a Training Center/Professional Development Menu for collaborative participation of organizations/ professionals that provide services to at-risk youth and their families	MDC Juvenile Services Department	See APPENDIX 2. Share Your Heart (Victory for Youth), Lesbian Gay Bisexual Transgender (LGBT), Federation of Families, Faith Based Organizations, MDCPS	County-wide	Identify organizations- local and national- that are presently providing evidence-based training in the area of children and family engagement.	Make list available to the community.	No additional funding needed

	Recommendation	Lead Stakeholder	Additional Participating Stakeholders	Targeted Areas for Implementation	Action Steps for First 6 Months	Outcomes for 6 Month Benchmarks	Additional Funding
<i>After School & Mentoring Programs</i>	Identify best practice/ evidence-based family engagement models that also include a parent training component		See APPENDIX 2. MDC JSD, MDCSP, The Natural Helper (The Children's Trust), Urban League of Greater Miami	County-wide	1. Research best practice/ evidence-based family engagement models. 2. Research best practice parent training model. 3. Identify a family engagement model appropriate for Miami Dade County. We will use the model across the board between MDC, the School system and the CBOs so that our approach is uniform and consistent when engaging families. 4. Identify a Parent training model appropriate for Miami Dade County's diverse community.	Implement models.	No additional funding needed
	Enhance promotion of 211 and the county-wide 311	MDC Community Information And Outreach Department	Switchboard of Miami	County-wide	Disseminate information of agencies listed with 211 and 311.	Assess referrals and outcomes of call-ins.	Additional funding requirements unknown
	Keep parks and schools open after traditional hours to provide services	MDC/MDCPS	CBO's	County-wide	1. Develop a work group to come up with a viable plan. 2. Identify specific parks and schools based on service needs of the community.	A plan for implementation will be developed.	Additional funding will be needed

Recommendation	Lead Stakeholder	Additional Participating Stakeholders	Targeted Areas for Implementation	Action Steps for First 6 Months	Outcomes for 6 Month Benchmarks	Additional Funding
MOU with CBOs to provide various services	MDCPR/MDCPS	Belafonte Tacolcy Center, The Children's Trust, Urban Partnership Drug Free Community Coalition and Branches Inc., MDCPS South Florida Behavior Network	County-wide	<ol style="list-style-type: none"> 1. Contact Miami-Dade Parks & Recreation (MDCPR) and MDCPS regarding current programming and available space for new programming 2. Develop a master list of present programs and space available in school and parks. 3. Develop MOU that will be signed between parks and schools for use of the facilities and enhancement of present programs (MOU approval will be obtained via the Board of County Commissioners). 4. Gather a master list of CBO Programs county-wide and their needs for space 5. Identify transportation services for children in need. 6. Identify organizations that can provide counseling services at the local parks and schools. 	MOU's signed between MDCPR and MDCPS.	Will be assessed after first six months.

	Recommendation	Lead Stakeholder	Additional Participating Stakeholders	Targeted Areas for Implementation	Action Steps for First 6 Months	Outcomes for 6 Month Benchmarks	Additional Funding
<i>Youth Empowerment & Employment</i>	One-Stop Mentoring Referral System	Big Brothers Big Sisters (BBBS)	All mentoring agencies, City Year, Take Stock, Empowered Youth, MDCPS, MDC	County-wide	<ol style="list-style-type: none"> 1. Identify target zip codes/communities. 2. Identify mentoring program in each zip code. 3. Create a database that captures mentoring services. 4. Disseminate list to Providers. 5. Expand school-based mentoring to community mentoring (i.e. school to work, churches, etc.). 6. Expand workplace mentoring to include municipalities and entrepreneurial skills to be included. 7. Mentoring Resource Center (MRC) provides database. 	<ol style="list-style-type: none"> 1. Increased number of students and mentors enrolled in mentoring programs. 2. Mentoring Resource Center (MRC) will launch list of mentoring agencies. 3. Hold Call to Action event at the beginning of the school year. 	Additional funding is needed to sustain future projects
	Creating Community Change: Youth Empowerment Summit	MDCPS	Anti-Defamation League (ADL), Youth Move, MCCJ, Youth Crime Watch (YCW), Safe Schools	County-wide youth empowerment culminating events held simultaneously in every senior high school	Series of trainings for selected middle schools and senior high schools peer leaders.	Peer Leaders facilitate the development of school-site action plans.	Leverage existing community resources
	Poster Contest (Prevention Activities Ongoing)	YCW	Chamber of Commerce Project Century	County-wide	<ol style="list-style-type: none"> 1. Publicize and promote contests. 2. Briefing sent to all schools and principals. 	Winner identified and recognized.	Sponsor organizations for prizes.

Recommendation	Lead Stakeholder	Additional Participating Stakeholders	Targeted Areas for Implementation	Action Steps for First 6 Months	Outcomes for 6 Month Benchmarks	Additional Funding
Youth Dialogue (Ongoing)/School Based training	MDCPS	Youth Move, ADL, MCCJ, YCW, Safe schools		1. Partner with MDCPS to provide training to all students like no place for hate, youth crime watch techniques and safe school practices 2. Develop action plan for training.	Youth Dialogue (Ongoing)/School Based training	MDCPS
Identify and enhance employment programs and initiatives that have a track record of success to meet the needs of the community by advocating for funding to support summer job opportunities South Florida Workforce	South Florida Workforce SFW/MDC	MDCPS, The Children's Trust, Local Businesses, Faith Based Organizations, Civic Organizations	County-wide	1. Research Select & Contact employment programs and initiatives that have a track record of success to meet the needs of the community. 2. Schedule meetings with business leaders and conduct presentations designed to increase participation of new businesses for job placement of motivated young people. 3. Utilize Recommendations and Youth Surveys and Assessments to drive process of addressing the needs of the community. 4. Identify work sites.	1. Establish agreements/ Funding. 2. Secure job placement and employer mentoring paid wages	1. Solicit large corporations 2. Apply for State and federal funding 3. Solicit stake-holders. 4. Collective Funding.
Identify and advocate for funding to support summer job opportunities	SFW/MDC	MDCPS, The Children's Trust, Local Businesses, Faith-based Organizations	Homestead, Liberty City, Overtown, Miami Gardens, North Miami Beach, FL City, etc.	Identify worksites	Secure job placement and employer mentoring paid wages.	To be determined

	Recommendation	Lead Stakeholder	Additional Participating Stakeholders	Targeted Areas for Implementation	Action Steps for First 6 Months	Outcomes for 6 Month Benchmarks	Additional Funding
Community Education & Empowerment							
<i>Engagement</i>	<p>Create focus groups with the following groups:</p> <ul style="list-style-type: none"> a. Youth and Juveniles b. Parents Impacted by Violence c. Teachers d. Residents to share Working Group Recommendations and obtain feedback on best ways to engage others. <p>[LINKED TO In-School's "Create a Coalition of Schools" Recommendation]</p>	Miami-Dade County Libraries	Empower Youth, PTA, Faith-based Community, Urban Partnership Drug Free Coalition, Miami –Dade County Public Schools	County-wide	<ol style="list-style-type: none"> 1. Identify library venues to host groups 2. Identify a professional facilitator. 3. Gather feedback from focus groups. 4. Incorporate parents as well as school –age (i.e., 5000 Role Models, Youth Summit Leaders, etc.) and college students in the development of a plan to empower them in their communities. 	Provide action item oriented report based on group's findings.	Will be assessed after first six months.
<i>Empowerment</i>	<p>Promote Youth Empowerment Summits</p> <p>[LINK TO Youth Services' "Creating Community Change" Recommendation]</p>	Miami-Dade County Public Schools		County-wide			

	Recommendation	Lead Stakeholder	Additional Participating Stakeholders	Targeted Areas for Implementation	Action Steps for First 6 Months	Outcomes for 6 Month Benchmarks	Additional Funding
	<p>Provide communication channel between youth and law enforcement.</p> <p>[LINKED TO In-School's "Crime Stopper's Application" Recommendation]</p>	Crime Stoppers	Miami-Dade County, MDPD, Media partners	County-wide	Work with CrimeStoppers to develop a marketing campaign to promote application.	Launch application marketing campaign.	None at this time.
	<p>Promote Coalition of Youth Crime Watch, Park Watch, and Neighborhood Watch</p> <p>[LINKED TO Out-of-School's "Enhance Youth Crime Watch Concept" Recommendation]</p>	Crime Watch	Parks Department, MDCPS, Law Enforcement	Targeted in key communities based on data	Work with Crime Watch to develop a marketing campaign to support outreach efforts.	Assess progress of targeted communities.	None at this time.

	Recommendation	Lead Stakeholder	Additional Participating Stakeholders	Targeted Areas for Implementation	Action Steps for First 6 Months	Outcomes for 6 Month Benchmarks	Additional Funding
<i>Education/Awareness</i>	Create and identify "universal" and "per target audience" messaging using data from focus groups and youth summits.	Miami-Dade County Community Information and Outreach (CIAO) and Miami-Dade County Public Schools	Urban Partnership Drug Free Coalition	County-wide	<ol style="list-style-type: none"> 1. Develop an extensive media plan where messaging, audience, media outlets, reach, duration of campaign, and rates are established and detailed. 2. Utilize Building Better Communities and the People's Transportation Plan as marketing models (community meetings and workshops). 3. Use marketing research tools to identify the top media channels, online, outdoors, print, transit. (i.e. advertise in shoppers to reach parent. Target video game & social media sites to reach children. Mail directories for both audiences). 4. Use County Assets to advertise on (i.e. GSA, Vizcaya, Zoo, 3-1-1 etc...). 5. Engage recognizable faces from each targeted community to be spokespersons. 6. Use PSAs in Heat and Marlins game- offered to the County free of charge. 7. Utilize Social and local media. 	Launch a long term awareness campaign targeting parents, students and the public sector.	None at this time. Will assess further after six months.

	Recommendation	Lead Stakeholder	Additional Participating Stakeholders	Targeted Areas for Implementation	Action Steps for First 6 Months	Outcomes for 6 Month Benchmarks	Additional Funding
	Engage in a long-term awareness campaign	Miami-Dade County Community Information and Outreach (CIAO) and Miami-Dade County Public Schools	Miami-Children's Initiative, Youth Commission, Student Governments, Faith-based community, Youth Fair, Publix	<ol style="list-style-type: none"> 1. County-wide, with the possibility to expand beyond our region. 2. Targeted communities to pilot increased engagement efforts 	<ol style="list-style-type: none"> 1. Target parents, students and the public sector through avenues such related to the school district (i.e., The Parent Academy, PTA/PTSA, etc. 2. Create a campaign month and associated with a color to create awareness (i.e. pink for breast cancer awareness) 3. Develop a county-wide committee to create an operational plan where communication is established between all departments and school board (i.e. School Board robo calls) which will allow for the use of in-school media channels 4. Promote Poster Contest [LINKED TO Youth Services "Poster Contest" Recommendation] 5. Enhance promotion of 211 & 311. 	<ol style="list-style-type: none"> 1. Launch student contest to increase reach and audience and better market the issue. 2. Assess progress on engagement partnerships and update plans. 	None at this time. Will assess after six months.

APPENDIX 1

Recommendations to Increase Police Presence and Visibility for In-School Safety

MDSPD will meet with all local agencies to identify gaps in current service and discuss commitments for increased police presence and visibility in schools. MDPD and MDSPD also will continue with the following current practices that are in place:

- Directed patrols
- Traffic enforcement (ingress & egress)
- Opening/closing of the school year
- Holiday/vacation dismissals
- Classroom Presentations
- Education (DARE/PAL)
- Programs (mentorships/Shop With a Cop and Bigs in Blue)
- Collaborative efforts (when requests are made by MDSPD)
- Truancy sweeps.

Additionally, departments can enhance their current practices by employing some or all of the following recommended strategies:

Strategies	Departments
<p><u>Park and Talk :</u></p> <ul style="list-style-type: none"> • During available patrol time, with an emphasis on critical times of ingress and egress, officers will respond to schools in their area, where they will park their vehicles in a visible location and engage in conversations with school staff, parents and students. This action will be recorded in the officer's daily activity reports. 	<p>Aventura Police Bal Harbour Police Biscayne Park Police Florida City Police Homestead Police Key Biscayne Police Miami Beach Police Miami-Dade Police Miami-Dade Public Schools Police North Miami Police Pinecrest Police</p>

	South Miami Police Sunny Isles Police Surfside Police West Miami Police
<u>Conduct Roll Calls at Schools:</u> <ul style="list-style-type: none"> During each month, area squads will conduct roll calls outside schools in a visible location. Methodologies for roll call deployments will incorporate statistical data and MDSPD requests. 	Aventura Police Bal Harbour Police Biscayne Park Police Florida City Police Homestead Police Key Biscayne Police Miami Beach Police Miami-Dade Police Miami-Dade Public Schools Police North Miami Police Pinecrest Police South Miami Police Sunny Isles Police Surfside Police West Miami Police
<u>Classroom Presentations:</u> <ul style="list-style-type: none"> Officers will respond to schools on scheduled dates throughout the school year to conduct classroom presentations on a variety of topic to include: Career Day, the Great Program, K-9 presentations, and drug awareness. 	Aventura Police Bal Harbour Police Biscayne Park Police Florida City Police Homestead Police Key Biscayne Police Miami Beach Police Miami-Dade Police Miami-Dade Public Schools Police North Miami Police Pinecrest Police South Miami Police

	<p>Sunny Isles Police Surfside Police West Miami Police</p>
<p><u>Write Reports:</u></p> <ul style="list-style-type: none"> Officers will be directed by area supervisors to complete their reports in highly visible locations at school sites, with an emphasis on times of ingress and egress. 	<p>Aventura Police Bal Harbour Police Biscayne Park Police Florida City Police Homestead Police Key Biscayne Police Miami Beach Police Miami-Dade Police Miami-Dade Public Schools Police North Miami Police Pinecrest Police South Miami Police Sunny Isles Police Surfside Police West Miami Police</p>
<p><u>Quadrant Patrol:</u></p> <ul style="list-style-type: none"> This strategy identifies schools that are situated within a quadrant, which is comprised of several grids, in an assigned area of patrol. Once identified, deployments of quadrant patrol for area schools will be based on statistical data that encompasses crime trends as well as MDSPD and community requests. This patrol strategy will be recorded in the officers' Daily Activity Reports. 	<p>Aventura Police Bal Harbour Police Biscayne Park Police Florida City Police Homestead Police Key Biscayne Police Miami Beach Police Miami-Dade Police Miami-Dade Public Schools Police North Miami Police Pinecrest Police South Miami Police Sunny Isles Police</p>

	<p>Surfside Police</p> <p>West Miami Police</p>
<p><u>Departmental Training:</u></p> <ul style="list-style-type: none"> All police agencies can utilize MDCPS facilities during school hours to conduct in-service training for course such as Cardio Pulmonary Resuscitation (CPR), Report Writing and other academic based courses. 	<p>Aventura Police</p> <p>Bal Harbour Police</p> <p>Biscayne Park Police</p> <p>Florida City Police</p> <p>Homestead Police</p> <p>Key Biscayne Police</p> <p>Miami Beach Police</p> <p>Miami-Dade Police</p> <p>Miami-Dade Public Schools Police</p> <p>North Miami Police</p> <p>Pinecrest Police</p> <p>South Miami Police</p> <p>Sunny Isles Police</p> <p>Surfside Police</p> <p>West Miami Police</p>
<p><u>Departmental Meetings:</u></p> <ul style="list-style-type: none"> In coordination with MDCPS local agencies will host community meetings that may include the Citizens Advisory Committee monthly meetings and other town hall meetings at area schools. This effort will increase visibility and presence during night school activities. 	<p>Aventura Police</p> <p>Bal Harbour Police</p> <p>Biscayne Park Police</p> <p>Florida City Police</p> <p>Homestead Police</p> <p>Key Biscayne Police</p> <p>Miami Beach Police</p> <p>Miami-Dade Police</p> <p>Miami-Dade Public Schools Police</p> <p>North Miami Police</p> <p>Pinecrest Police</p> <p>South Miami Police</p> <p>Sunny Isles Police</p> <p>Surfside Police</p>

<p><u>Adopt-a-School:</u></p> <ul style="list-style-type: none"> This initiative will involve a two-prong approach with officers assigned to a community policing role who will work and interact with the kids, through mentorship. The program encourages volunteerism for officers who want to give back to their community by using schools as the focal point. Their presence will increase visibility at schools and build stronger partnerships within the school community. Coordinate with MDSPD to identify targeted schools within each area. 	<p>West Miami Police</p> <p>Aventura Police</p> <p>Bal Harbour Police</p> <p>Biscayne Park Police</p> <p>Florida City Police</p> <p>Homestead Police</p> <p>Key Biscayne Police</p> <p>Miami Beach Police</p> <p>Miami-Dade Police</p> <p>Miami-Dade Public Schools Police</p> <p>North Miami Police</p> <p>Pinecrest Police</p> <p>South Miami Police</p> <p>Sunny Isles Police</p> <p>Surfside Police</p> <p>West Miami Police</p>
<p><u>Use of Police Reserve Officer (PRO) Program:</u></p> <ul style="list-style-type: none"> Provide School Resource Officer Training to PRO's who can be deployed to area schools for greater visibility. This could also be inclusive of the Adopt-a-School recommendation. 	<p>Aventura Police</p> <p>Bal Harbour Police</p> <p>Biscayne Park Police</p> <p>Florida City Police</p> <p>Homestead Police</p> <p>Key Biscayne Police</p> <p>Miami Beach Police</p> <p>Miami-Dade Police</p> <p>Miami-Dade Public Schools Police</p> <p>North Miami Police</p> <p>Pinecrest Police</p> <p>South Miami Police</p> <p>Sunny Isles Police</p> <p>Surfside Police</p> <p>West Miami Police</p>

APPENDIX 1b

Recommendations to Increase Police Visibility for Out-of-School Safety

MDPD and MDSPD will contact local agencies to discuss commitments for increased police visibility for out-of-school safety. MDPD and MDSPD will also continue with, and in some cases add or enhance, the following practices:

- Truancy sweeps
- Traffic enforcement
- Police presence during early release dates
- Directed patrols

Additionally, departments can enhance their current practices by employing some or all of the following recommended strategies:

Strategies	Departments
<p><u>Truancy Sweeps:</u></p> <ul style="list-style-type: none">• Identify partnerships with law enforcement and community through commitments to participate in this initiative. These partnerships will include local law enforcement agencies and community groups.• MDSPD will coordinate monthly truancy sweeps and notify all participating agencies.• Commit to participate in high visibility monthly truancy sweeps with MDSPD County-wide.• Commit to conduct sweeps on dates likely to have high truancy (i.e. national skip day).• Commit to encouraging regular truancy enforcement.• Work with community groups to encourage reporting of truants (i.e. Crime Watch)	<p>Aventura Police Bal Harbour Police Biscayne Park Police Cutler Bay Policing Unit Florida City Police Homestead Police Key Biscayne Police Miami Beach Police Miami-Dade Police Miami-Dade Public Schools Police Miami Lakes Policing Unit North Miami Police Palmetto Bay Policing Unit Pinecrest Police South Miami Police Sunny Isles Police Surfside Police</p>

<p><u>Traffic Enforcement:</u></p> <ul style="list-style-type: none"> • Identify partnerships with law enforcement and community. Coordinate logistics for traffic enforcement/education details. • Commit to conduct high visibility traffic enforcement details in areas frequented by youth after school hours or during commute/route 3 times a week. • Traffic details may include enforcement and/or education initiatives such as speed zone enforcement and seat belt violations. • Feedback and assessment of success will be measured through communication with stakeholders such as park managers, schools administrators, and community meetings such as Crime Watch. 	<p>West Miami Police</p> <p>Aventura Police</p> <p>Bal Harbour Police</p> <p>Biscayne Park Police</p> <p>Cutler Bay Policing Unit</p> <p>Florida City Police</p> <p>Homestead Police</p> <p>Key Biscayne Police</p> <p>Miami Beach Police</p> <p>Miami-Dade Police</p> <p>Miami-Dade Public Schools Police</p> <p>Miami Lakes Policing Unit</p> <p>North Miami Police</p> <p>Palmetto Bay Policing Unit</p> <p>Pinecrest Police</p> <p>South Miami Police</p> <p>Sunny Isles Police</p> <p>Surfside Police</p> <p>West Miami Police</p>
<p><u>Police Presence During Early Release Dates:</u></p> <ul style="list-style-type: none"> • Commit to provide enhanced visibility by way of directed patrols on early release dates (as provided by School Board). • MDPD Homeland Security Fusion Center to provide advance notice of dates via email notification to all stakeholders. • Feedback and assessment of success will be measured through communication with stakeholders such as park managers, schools administrators, and community meetings such as Crime Watch. 	<p>Aventura Police</p> <p>Bal Harbour Police</p> <p>Biscayne Park Police</p> <p>Cutler Bay Policing Unit</p> <p>Florida City Police</p> <p>Homestead Police</p> <p>Key Biscayne Police</p> <p>Miami Beach Police</p> <p>Miami-Dade Police</p> <p>Miami-Dade Public Schools Police</p> <p>Miami Lakes Policing Unit</p> <p>North Miami Police</p>

	<p>Palmetto Bay Policing Unit Pinecrest Police South Miami Police Sunny Isles Police Surfside Police West Miami Police All Local Parks Agencies / CBOs.</p>
<p><u>Route Safety:</u></p> <ul style="list-style-type: none"> • Identify problem routes/stops by surveying bus drivers. • Commit to provide enhance police visibility by way of directed patrols at Miami-Dade Transit and Miami-Dade Schools bus stops/routes identified as problematic or having rowdy students. • MDT and Schools Transportation to provide lists of problematic stops/routes as they are identified and re-assess regularly. 	<p>Aventura Police Bal Harbour Police Biscayne Park Police Cutler Bay Policing Unit Florida City Police Homestead Police Key Biscayne Police Miami Beach Police Miami-Dade Police Miami-Dade Public Schools Police Miami Lakes Policing Unit North Miami Police Palmetto Bay Policing Unit Pinecrest Police South Miami Police Sunny Isles Police Surfside Police West Miami Police Miami-Dade Schools Transportation Miami-Dade Transit</p>

APPENDIX 2

Systems of Care/Community Collaboration Contact List

Name	Foundation	Contact Information
Grace Carricaute	Ganley Foundation	grace@ganleyfoundation.org
Dr. McGrath	Homeless Youth Program	305.825.0300
Denys Figueroa	Homeless Youth Program	305.825.0300
Habsi Kaba	AOC	HKaba@jud11.flcourts.org
Adeiada Kochen	ICFH	akochen@ichinc.org
Alvao Domenech	ICFH	adomenech@icfhinc.org
Constance Collins	Lotus House	Director@lotushouseshelter.org
Nicole Attong	SFBHN	nattong@sfbhn.org
Niurka Rolo	Citrus Health Network	niurka@citrushealth.org
Frank Manning	DJJ	Frank.manning@djj.state.fl.us
Doubcas Hughes	Mimami Coacilation	dhughes@miamicoalition.org
Lori Laing	Chrysalis Helath	llaing@chrysalishelath.com
Jeanette Garcia	JSD	Jac0076@miamidade.gov
Angelica Myanez	MDCPS/S. Service	amyanez@dadeschools.net
Ava Goldman	MDCPS	agoldman@dadeschools.net

APPENDIX 3

Engagement of Parks Departments for Out-of-School Recommendations

Strategies	Parks Departments and Organizations Signing On
<u>Work Stations at Critical Parks:</u> <ul style="list-style-type: none"> Identify prioritized list of sites for work stations- parks and facilities with youth activities and/or after school programs. Identify potential agencies that would enjoy mutual benefit. Draft memorandum of understanding between participating agencies- State, Local and Federal Government partners. 	Miami-Dade Parks, Recreation, and Open Spaces Department (PROS) City of North Miami City of Miami Springs City of Doral YMCA Optimist Club of Kendall Hammocks
<u>Police Athletic League (PAL) and Community Based Organizations (CBOs):</u> <ul style="list-style-type: none"> Identify programs that would benefit from exchange of information. Establish meetings to share information affecting PAL & CBOs. Increase communications between organizations in related services to avoid duplication, increase awareness, identify areas for improvement. 	PROS City of North Miami City of Miami Springs City of Doral YMCA Optimist Club of Kendall Hammocks
<u>Partnership between Law Enforcement (LE) and parks personnel / enhanced relationships:</u> <ul style="list-style-type: none"> Identify means of enhanced communication and advanced schedules for meetings. Solidify/strengthen ongoing partnerships between parks personnel, police and CBOs during scheduled meetings/events. 	PROS City of North Miami Beach City of North Miami City of Miami Springs City of Doral YMCA Optimist Club of Kendall Hammocks

<p><u>Police Presence at Parks During Large Events / Gatherings:</u></p> <ul style="list-style-type: none"> • Develop/enhance communications between Park Departments and Law Enforcement for advanced notification of large events or gatherings in parks. Parks Departments to share policies, procedures, legislation for large events. 	<p>PROS</p> <p>City of North Miami Beach (currently in place)</p> <p>City of North Miami</p> <p>City of Miami Springs</p> <p>City of Doral</p> <p>YMCA</p> <p>Optimist Club of Kendall Hammocks</p>
<p><u>Develop Lockdown Procedures at Parks:</u></p> <ul style="list-style-type: none"> • Establishment of procedures and protocols for lockdown at all parks with recreation centers and CBO youth facilities. 	<p>PROS</p> <p>City of North Miami Beach (currently in place)</p> <p>City of North Miami</p> <p>City of Miami Springs</p> <p>City of Doral</p>
<p><u>Crime Prevention Through Environmental Design (CPTED):</u></p> <ul style="list-style-type: none"> • Identify parks for survey based on priority. CPTED is a multi-disciplinary approach to deterring criminal behavior through environmental design. CPTED's goal is to prevent crime by designing a physical environment that positively influences human behavior. • Begin security assessments. • Identify cameras/lighting needs based on CPTED recommendations. 	<p>PROS</p> <p>City of North Miami Beach</p> <p>City of North Miami</p> <p>City of Miami Springs</p> <p>City of Doral</p> <p>YMCA</p> <p>Optimist Club of Kendall Hammocks</p>
<p><u>Reserve / Volunteer Park Ranger Program:</u></p> <ul style="list-style-type: none"> • Develop policy for program. • Phase in beginning with parks and facilities with youth activities and/or after school programs. • Expand to additional Parks as reserve and volunteer rangers are added to the program. 	<p>PROS</p> <p>City of North Miami</p> <p>City of Miami Springs</p> <p>City of Doral</p> <p>YMCA</p> <p>Optimist Club of Kendall Hammocks</p>

Exhibit 1

Op-Ed Articles



Posted on Sun, Dec. 23, 2012

Protecting our children from gun violence

BY ALBERTO CARVALHO AND CARLOS GIMENEZ

Superintendent'sOffice@dadeschools.net

NISSA BENJAMIN / MIAMI HERALD STAFF

Our country is at a crossroads, one where we must stop and refocus on what is important. Last week twenty beautiful little angels and six dedicated educators were taken in a senseless random act of violence in Newtown, Conn. Since then our nation has struggled for answers as to how such a tragedy could happen. This tragedy has touched every American, every parent, every child in a manner that is difficult to describe.

In terms of the safety and preparedness of our schools, Miami-Dade County Public Schools is prepared for any emergency; however, a random act of violence is not predictable, particularly when perpetrated by an unstable individual. As a result, constant vigilance and preparedness are key to the security of our schools.

M-DCPS is fortunate to have its own full-service police department, one of few in the state, and a full complement of security monitors at every school. Even though every school has a site-specific emergency plan, all security protocols are being reviewed, including municipal first responder collaboration. Currently, the Schools Police Department has mutual aid agreements with all 37 local and state law enforcement agencies which service our community, ensuring that maximum resources are available in the event of any emergency.

The safety of our children is a concern and a responsibility which extends beyond just the school system. It extends beyond our courageous men and women of law enforcement; it is a shared responsibility.

That is why as superintendent of schools and Miami-Dade County mayor we are committed to coming to the table to evaluate how we, along with the county and other municipalities, can work together to create an envelope of safety around our schools. Therefore in the coming weeks we will be inviting all of the chiefs of our community's police agencies to review current safety protocols and develop recommendations for improvements.

Similarly, we are working to bring together mental healthcare professionals and those who provide social support services to identify opportunities for early interventions for at-risk and troubled youth. These meetings will then be followed up by a convening of mayors and other elected officials so that we may collectively identify resources and assets necessary to protect our schools and provide support to our youth. It is our intent that this work will yield specific recommendations and agreements which will

be announced by February.

M-DCPS will also be providing planned critical safety and security infrastructure upgrades at schools in the immediate future as a result of the funds made available by the passage of the \$1.2 billion bond referendum this past November.

Examples of planned improvements include: perimeter fencing and campus access control, fire and security alarm replacement and upgrades, public address system replacement and upgrades, additional surveillance cameras, and emergency lighting system upgrades. Those who continue to advocate the dilution of capital outlay funds, particularly into non-public entities, must consider the implications on the safety conditions at our publicly owned school facilities. We can and we will continue to fortify our schools and improve our safety and security protocols because the lives of our students and staff remain a paramount priority.

Our nation has seen far too many tragedies like Newtown. Each time the horrible tragedy is met with an outpouring of emotion and a subsequent knee-jerk reaction from pundits and politicians, albeit rarely with any long term results.

The recurring failure is that the emotional reaction to the heinous act never truly addresses the root cause of the problem. This cannot be the case again. Now is the time to put aside petty differences, partisan politics, and poll results and take a good long look at our policies and legislation, care and services for those with mental or emotional challenges, and our overall culture which regularly inundates youth and adults alike with violence, a disregard for the sanctity of life, and images and video games which glorify criminal lifestyles and the degradation of women.

The responsibility for safety of our youth, the security of our schools, the very return of civility to our society does not rest at the feet of any one entity, but is instead a shared duty of us all. It must begin with an honest national conversation about our values and our priorities at the very highest levels of our government, in our houses of worship, in town squares and around our dinner tables. As Americans, as public officials, as fathers, our hearts broke on December 14 when those 20 little angels and six educators lost their lives, just as our hearts ache each and every time one of our own students loses their life as the result of a foolish decision or violent act.

Through collaborative partnerships, responsible resource allocation, the availability of mental health and counseling services, and regular emergency response training we must create a safe environment in and around our schools and our students. This is an imperative of the highest order which can no longer be ignored or postponed. There can be no higher priority than the lives of our children.

Alberto Carvalho is superintendent of Miami-Dade County Schools. Carlos Gimenez is mayor of Miami-Dade County.

The Miami Herald

Posted on Sun, Jan. 27, 2013

A holistic approach to gun violence in Miami-Dade

BY CARLOS GIMENEZ AND ALBERTO CARVALHO

miamidade.gov/mayor/

NISSA BENJAMIN / MIAMI HERALD STAFF

Elected leaders and law-enforcement officials from across Miami-Dade County convened a Joint Roundtable on Youth Safety last week, assembled in the wake of several recent tragedies involving guns and child victims, both nationally and locally. Among these were the senseless shootings of Miami teenagers Bryan Herrera and Aaron Willis, bright young students guilty of nothing more than riding their bikes when shot without reason or provocation.

Our aim is to ensure that this community does everything possible to protect our most precious asset — young people like Bryan and Aaron — not only in their classrooms but also in their neighborhoods and local parks. These places should be safe havens for our children. Following the heinous acts of a few, we must redouble our efforts to fortify our community's public spaces, because no parent should ever have to second-guess their decision to let their child bike to a friend's house, walk home from school, or play ball at the local park.

The first roundtable meeting included a frank exchange of ideas among the participants, with many stating that our overriding focus must be on safeguarding our schools. While school safety remains vital, statistics tell us that our schools are generally safe and that tragedies like the one at Sandy Hook Elementary are the exception, not the rule. In Miami-Dade County's public schools, more than 40 students' lives were cut short by violent acts in the last four and a half years; only one of those was on school grounds.

So, while we will continue to improve school safety, we must also take a holistic, community-wide approach to our mission. In the coming weeks, the Youth Safety Roundtable will bring together four distinct working groups to assess what we are doing right to keep our kids safe in and out of the classroom; identify those areas where we are coming up short; and chart a clear path forward. That path must include a common-sense approach to gun control and gun responsibility.

The working groups will include diverse local stakeholders: community leaders, educators, law-enforcement officials, mental-health specialists, social-service professionals, and faith-based leaders. The broad perspectives and expertise these parties bring to the table will help us answer the tough questions that recent tragedies have forced all of us to ask ourselves.

What are we currently doing to safeguard our children at our schools, at our parks, and in our neighborhoods?

How can we improve?

Are we giving our most vulnerable youths proper support?

And how can we engage the broader community in this effort?

The answers to these questions and others will form the guidelines for safeguarding our young for the long term — a working document that we will revisit regularly for comprehensive updates and concrete actions. The Joint Roundtable on Youth Safety will not be truly effective if it only remains a priority for a few months. Our children deserve better from us; we must be vigilant and keep this issue squarely in the forefront for years to come. While the memories of recent tragedies may fade with time, the possibility of future tragedies will not.

Ultimately, the success of our efforts to address this community-wide issue will take true community-wide buy in, with each and every resident taking personal responsibility for the safety and well-being of our young people. We all have a stake in this. If we are successful in keeping our children safe, we will be successful in keeping our entire community safe.

Miami-Dade Mayor Carlos A. Gimenez and Schools Superintendent Alberto M. Carvalho are co-chairs of the Joint Roundtable on Youth Safety.

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Exhibit 2

First Roundtable Invitation



CARLOS A. GIMENEZ
MAYOR



ALBERTO M. CARVALHO
SUPERINTENDENT

January 9, 2013

[ADDRESS BLOCK]

[Honorable / Chief] :

On behalf of Miami-Dade County Public Schools and Miami-Dade County, we invite you to participate in a *Joint Roundtable on Youth Safety* to be held on January 18, 2013, at 2:00 p.m., at the Vizcaya Museum & Gardens Village Garage, located at 3250 South Miami Avenue (parking available at the Miami Science Museum parking lot). This *Roundtable* will unite Mayors and Police Chiefs within the Miami-Dade community to work together on this vital public safety initiative.

Over the past few years, senseless acts of violence have affected our entire nation. The recent tragedy in Newtown, Connecticut, as well as random violence against youth in our own community demand that we, as a community, come together to address this issue.

The focus of the *Roundtable* will be the safety of our community's youth, not only in our schools, but also in our parks and neighborhoods. The objective is to share successful practices, discuss current challenges and define helpful recommendations for short and long-term solutions.

In order to efficiently and effectively address this community-wide issue, we must first come together and share information to ensure that the strongest safety protocols are in place. Through these discussions, we will also identify ways to leverage our collective resources, encourage and increase community engagement, and create an envelope of safety around our schools and our children. We look forward to working with you on this collaborative effort.

Sincerely,

Carlos A. Gimenez
Mayor
Miami-Dade County

Alberto M. Carvalho
Superintendent
Miami-Dade County Public Schools

Exhibit 3

Working Group Participation Form



Joint Roundtable on Youth Safety Working Group Participation Form



Name: _____
 Name of Organization: _____
 Address: _____
 Phone Number: _____
 Alt. Phone Number: _____
 Email: _____

I would like to participate in:

_____ **Youth Safety Working Group:** In-School Youth Safety Working Group

What do we currently do to ensure that our children are safe at our schools? Are there strategies that we are not currently utilizing that should be explored? If strategies are not being used, what are the reasons and ways to overcome impediments? Are there policies, state or federal laws or regulations in place, that hinder these efforts?

_____ **Youth Safety Working Group:** Out-of-School Youth Safety Working Group

What do we currently do to ensure that our children are safe at our parks? In our neighborhoods? Are there strategies that we are not currently utilizing that should be explored? If strategies are not being used, what are the reasons and ways to overcome impediments? Are there policies, state or federal laws or regulations, in place that hinder these efforts?

_____ **Youth Services Working Group**

How do we currently support all of our youth in our community? How are their needs assessed? How are services delivered? How is success determined? Are there gaps in this process that need to be reviewed? What prevention strategies are currently in place in your community?

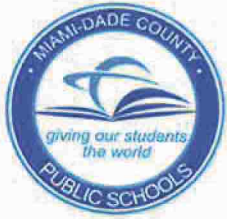
_____ **Community Education and Empowerment Working Group**

What community services are already available in the community? Are there current initiatives/community-based groups working together to address youth safety? What level of coordination, if any, exists between the various community agencies? Why and how were they created? How is success determined? Is there duplication of effort? Can coordination across the county be improved? How can the impact of these efforts be maximized?

Please indicate participation preference by placing "1" for your first choice, "2" for your second choice, or "3" for your third choice by the respective working group category. If you have any questions or need additional information, please contact: Ms. Lilliam B. Del-Gado, Administrative Assistant, at 305 995-1497 or email at lbdelgado@dadeschools.net, or Ms. Jackie Anghel-Novick, Assistant to Senior Advisor, at 305 375-2911 or email at anghelJ@miamidade.gov. **Deadline: Tuesday, January 22, 2013.**

Exhibit 4

Second Roundtable Invitation



ALBERTO M. CARVALHO
SUPERINTENDENT



CARLOS A. GIMENEZ
MAYOR

February 28, 2013

[ADDRESS BLOCK]

[Honorable / Chief] :

On behalf of Miami-Dade County Public Schools and Miami-Dade County, we invite you to participate in the second *Joint Roundtable on Youth Safety* to be held on March 8, 2013, at 3:00 p.m. in the media center at Miami Senior High School, located at 2450 S.W. First Street, Miami, Florida, 33135. Parking is available at the northeast corner of West Flagler and West 24 Avenue. The parking lot entrance is off West 24 Avenue. This meeting will unite mayors and police chiefs within the Miami-Dade community who have been working together with community stakeholders on this vital public safety initiative.

Since the first roundtable met on January 18, 2013, four working groups, In-School Youth Safety, Out-of-School Youth Safety, Youth Services, and Community Education and Empowerment, have worked tirelessly to identify ways to leverage our collective resources, encourage and increase community engagement, and improve safety protocols for our public spaces in order to create an envelope of safety around our children.

The focus of this second roundtable will be to share the recommendations for short and long-term solutions developed by these working groups and to discuss how we can best implement these practices within our respective communities.

If you plan to attend, please contact, Ms. Lilliam B. Del-Gado, Administrative Assistant, Office of Intergovernmental Affairs, Grants Administration, and Community Engagement, Miami-Dade County Public Schools, at 305 995-1497 or lbdelgado@dadeschools.net.

We look forward to your continued participation on this collaborative effort.

Sincerely,

Alberto M. Carvalho, Superintendent
Miami-Dade County Public Schools

Carlos A. Gimenez, Mayor
Miami-Dade County

Exhibit 5

Pledge Template



(INSERT ORGANIZATION'S LOGO)



Joint Roundtable on Youth Safety

Pledge of Commitment

(Organization's Name) has participated in the Joint Roundtable on Youth Safety process and will be collaborating as a partnering stakeholder in the long-term action plan that will be presented at the second Joint Roundtable taking place on March 8, 2013 at 3pm. The success of our efforts to address this community-wide issue will require authentic long-term buy-in and consistent communication within and between participating organizations and agency.

By signing this document, I (person's name) pledge my continued support of prioritizing youth safety in Miami-Dade County and will proceed in taking the necessary steps to continue (Organization's Name) involvement in this vitally important partnership.

Signed _____ Date _____

Print Name _____

Exhibit 6

Resolution Template

RESOLUTION NO. _____

RESOLUTION SUPPORTING THE REPORT PRESENTED BY
THE JOINT ROUNDTABLE ON YOUTH SAFETY AND
DIRECTING THAT ANNUAL UPDATES BE PROVIDED ON THE
PROGRESS OF THE COMPREHENSIVE COMMUNITY-WIDE
ACTION PLAN INCLUDED WITHIN THE REPORT

WHEREAS, the safety of our youth is critical to the safety of our entire community; and

WHEREAS, the Joint Roundtable on Youth Safety aims to ensure that Miami-Dade County does everything possible to protect our youth not only in their classrooms but also in their neighborhoods and local parks; and

WHEREAS, through the Roundtable, Miami-Dade County Mayor Carlos A. Gimenez and Miami-Dade County Public Schools Superintendent Alberto M. Carvalho engaged leadership from all 34 municipalities and over 100 community stakeholders within Miami-Dade County to work on this vital public safety initiative; and

WHEREAS, safeguarding the youth in our community is a long-term process that must be revisited regularly for comprehensive updates and concrete follow-up actions; and

WHEREAS, to ensure that the strongest safety protocols are in place, information must be shared county-wide in order to identify ways to leverage our collective resources and to encourage and increase community engagement; and

WHEREAS, the success of the Roundtable's efforts to address this issue will be dependent upon true community-wide buy in, with each and every resident taking personal responsibility for the safety and well-being of our young people; and

WHEREAS, the Board supports the efforts of this Roundtable, and directs the Mayor or designee to work cooperatively with and support the Roundtable's work as outlined in its comprehensive, community-wide action plan; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Fully supports the Joint Roundtable on Youth Safety process and accompanying report.

Section 2. Directs the Mayor or designee to continue the work and activities shared within the report.

Section 3. Requests that an annual progress update be provided to the Board of County Commissioners.

The foregoing resolution was offered by Commissioner
, who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this
day of
, 2013. This resolution shall become effective ten (10) days after the date of
its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an
override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. _____

Neighborhood/Community Affairs Committee Meeting
June 26, 2013

Discussion Regarding The Restoration Of Monument Island
Commission Item, C4H, April 17, 2013
(Requested by Commissioner Gongora)


Kevin Smith, Director Parks & Recreation

ITEM #6



MEMORANDUM

TO: Neighborhood/Community Affairs Committee

FROM: Jimmy L. Morales, City Manager 

DATE: June 26, 2013

SUBJECT: **Discussion Regarding the Restoration of Monument Island**

Introduction

At the April 17, 2013, City Commission meeting, Commissioner Michael Gongora requested that a discussion regarding the restoration of Monument Island be referred to the Neighborhoods Community Affairs Committee.

Background

Flagler Memorial Island, also referred to as Monument Island, is a designated City of Miami Beach Park approximately 3.33 acres in size, located in the Biscayne Bay Aquatic Preserve, just west of the Meloy Channel. It is bordered on the north by the Venetian Causeway, to the south by the MacArthur Causeway, Miami Beach (approximately 14th and West Avenue) to the east and various Miami Beach islands to the west.

Flagler Memorial Island (Monument Island) is an artificial island built in 1920 along with other Venetian Islands of Miami and Miami Beach, Florida, complete with a monument visible from a number of viewpoints surrounding the Island. A 110-foot high obelisk with allegorical sculptures at its base stands as a monument to Miami pioneer Henry M. Flagler and was built in the center of the constructed island in memory of Flagler, who died in 1913. The Island and the monument were both donated to the City of Miami Beach in 1939.

The Flagler Memorial Island was improved in 1994 with grant funds in the amount of \$220,000 from the Biscayne Bay Environmental Enhancement Trust Fund and the Florida Inland Navigation District. The project stabilized the shoreline with the installation of lime rock boulders, and created sand beaches and dunes for boaters to enjoy. Unfortunately, in 1998, a fire destroyed many of the plantings from the 1994 restoration with many of the remaining improvements and plantings destroyed and the beach further eroded in 2005 by Hurricane Wilma. The island was designated a City of Miami Beach park on September 5, 2001 by the City Commission per resolution no. 2001-24578.

To address the loss of plant material, a restoration landscape plan was developed by the Parks and Recreation Department in conjunction with the Planning Department in 2008, (see attached). Due to funding constraints, this plan, to date, has not been fully implemented.

The litter removal for this location is currently achieved once per week through agreement with the Miami Dade County Parks and Open Spaces Department utilizing their service provider for the islands. In addition, the Environmental Coalition of Miami Beach (ECOMB) volunteers conduct supplemental cleanups with the Parks and Recreation Department several times per year. The challenge to providing comprehensive oversight for this location continues to be lack of access.

At this time, the only boats operated by the city are dedicated to providing public safety namely, the Marine unit of the Police Department and Ocean Rescue Division of the Fire Department. Visits to the island are restricted to pre-arranged transport from the Marine Unit Police Department with no capacity to move debris or equipment.

Analysis

There have been on-going discussions concerning the past, present and future uses of Flagler Memorial Island. It is presently an unsecured island beach used by boaters and jet-skiers. The site is heavily used on weekends as a boater location for swimming, with limited shoreline access and few improved pathways leading to the Flagler Monument.

On April 17, 2013, the City Commission adopted Resolution No 2013-28183 accepting a donation of \$25,000.00 from the Prentice Foundation to be used specifically by the City of Miami Beach for the restoration and conservancy of Monument Island and the Flagler Memorial, (see attached).

Conclusion

The Administration recommends that the discussion concerning the restoration of Monument Island and the potential uses for the donated funds in the amount of \$ 25, 000.00, be held at the Neighborhood/Community Affairs Committee and direction as to the next actions be provided to the Administration.

JLM/JMT/KS/JO

F:\RCPA\ALL\Previous\KEVIN\Commission Committees Meetings - 2013\NCAC Meeting - 6-26-13\N-CAC Referral - Discussion Regarding The Restoration Of Monument Island.doc

BISCAYNE
BAY

Monument Island Plan

Scale: 1" = 60'

MIAMI-DADE DEPT. OF
ENVIRONMENTAL
RESOURCES MANAGEMENT
33 Southeast 2nd Avenue
Miami, FL 33130



CITY OF MIAMI BEACH
Public and Recreation Dept.
2700 Collins Ave.
Miami Beach, FL 33139

CITY OF MIAMI BEACH
Planning Department
2700 Collins Ave.
Miami Beach, FL 33139

Flagler Memorial Monument Island

Biscayne Bay
Miami Beach, Florida

Planting Plan

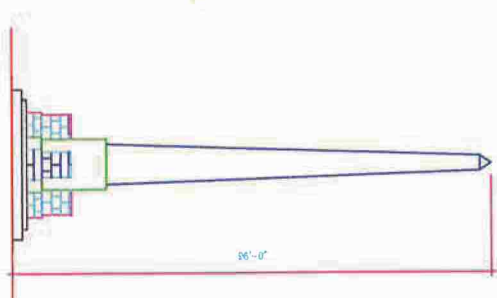
Date: January 24, 2003
Scale: As Noted
Drawn By: WOB
Checked By: WOB/MC
Revisions: none

Sheet:
LA-2



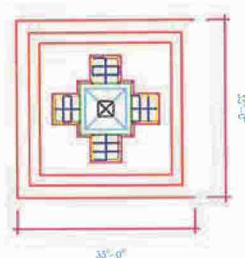
Monument Elevation

N.T.S.



Monument Plan

N.T.S.



GENERAL PLANTING NOTES

1. CONTRACTOR SHALL NOTIFY ALL NECESSARY UTILITY COMPANIES 48 HOURS MINIMUM PRIOR TO DIGGING FOR UTILITY LOCATIONS AND DEPT. OF PUBLIC WORKS FOR OTHER UTILITY LOCATIONS AND COORDINATE WITH OWNER/PROJECT MANAGER PRIOR TO INITIATING OPERATIONS.
2. THE CONTRACTOR SHALL BEAR ALL COSTS OF TESTING OF SOILS, AMENDMENTS, ETC., ASSOCIATED WITH THE WORK UNLESS OTHERWISE PROVIDED FOR WITH OWNER/PROJECT MANAGER.
3. ALL PLANT MATERIAL SHALL BE IN FULL AND STRICT ACCORDANCE WITH FLORIDA NO. 1 GRADE, AS DEFINED IN THE "GRADES AND STANDARDS FOR NURSERY PLANTS", 2ND EDITION, FEBRUARY 1994, PUBLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.
4. WHERE GROUNDCOVER AND/OR SHRUBS ARE USED IN MASS PLANTING BEDS, PLANTS SHALL BE SPACED USING A TRIANGULAR SPACING PATTERNS (STAGGERED SPACING).
5. CONTRACTOR SHALL FIELD STAKE THE LOCATIONS OF ALL TREES, OUTLINES OF PLANTING BEDS, AND COQUINA SHELL PATHS PRIOR TO INITIATING INSTALLATION FOR THE REVIEW AND APPROVAL OF THE OWNER/PROJECT MANAGER.
6. ANY SUBSTITUTION IN SIZE AND/OR PLANT MATERIAL, MUST BE APPROVED BY THE PROJECT MANAGER. THIS WILL NOT IMPLY FINAL ACCEPTANCE OF MATERIALS BY THE OWNER/PROJECT MANAGER.
7. CONTRACTOR SHALL REPLACE ANY AND ALL PLANT MATERIALS NOT ACCEPTED BY THE OWNER AND PROVIDE NECESSARY REPAIRS OF DISTURBED AREAS/ITEMS AT NO COST TO OWNER.
8. PLANT LIST QUANTITIES ARE PROVIDED FOR CONVENIENCE. ANY DISCREPANCIES SHALL BE BROUGHT IMMEDIATELY TO THE ATTENTION OF THE OWNER AND PROJECT MANAGER.

PLANT LIST

NO.	PLANT NAME	SIZE	QUANTITY	REMARKS
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PLANT LIST

SMALL PLANT MIX #1			
30	Ernodea littoralis	Beach Creeper	1 gallon cont.
50	Helianthus debilis	Dune Sunflower	1 gallon cont.
30	Hymenocallis latifolia	Spider Lily	1 gallon cont.
1500	Paspalum vaginatum	Seaside Paspalum	4" liner
2000	Uniola paniculata	Sea Oats	4" liner
SMALL PLANT MIX #2			
			Bursera simaruba
25	Chrysobalanus icaco	Cocoplum	3 gallon cont.
25	Echites umbellata	Devil's Potato	1 gallon cont.
50	Gaillardia pulchella	Blanket Flower	1 gallon cont.
25	Galactia volubilis	Downy Milkweed	1 gallon cont.
25	Lantana involucrata	Wild Sage	1 gallon cont.
20	Mallotonia gnaphalodes	Sea Lavender	1 gallon cont.
30	Myrsine guaiamensis	Myrsine	3 gallon cont.
20	Pithecellobium keyensis	Keys Blackbead	3 gallon cont.
25	Randia aculeate	White Indigo Berry	3 gallon cont.
30	Scaevola plumieri	Inkberry	1 quart cont.
20	Sophora tomentosa	Necklace Pod	3 gallon cont.
30	Serenoa repens	Saw Palmetto	1 gallon cont.
SMALL PLANT MIX #3			
25	Croton glanduosus	Coastal Croton	1 gallon cont.
13	Guaiacum sanctum	Lignum Vitae	3 gallon cont.
30	Iva imbricata	Beach Elder	1 gallon cont.
1000	Sesuvium portulacastrum	Seapurslane	liner
30	Suriana maritima	Bay Cedar	3 gallon cont.
MEDIUM PLANT MIX			
1	Coccoloba uvifera	Seagrape	10 gallon cont.
1	Conocarpus erectus	Green Buttonwood	7 gallon cont.
20	Guapira discolor	Blolly	3 gallon cont.
13	Myrica cerifolia	Wax Myrtle	7 gallon cont.
13	Piscidia piscipula	Jamaican Dogwood	10 gallon cont.
25	Thrinax morrissi	Thatch Palm	3 gallon cont.
LARGE-MEDIUM PLANTS			
31	Bursera simaruba	Gumbo Limbo	10 gallon cont.

**Neighborhood/Community Affairs Committee Meeting
June 26, 2013**

Discussion Regarding The Collins Park Garage Project (Collins Park Place)
Item C4B, June 5, 2013

David Martinez, CIP

ITEM #7



MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Neighborhood and Community Affairs Committee

FROM: Jimmy L. Morales, City Manager

DATE: June 26, 2013

SUBJECT: **DISCUSSION REGARDING THE COLLINS PARK GARAGE PROJECT (COLLINS PARK PLACE)**

BACKGROUND

The Basis of Design Report (BODR) for the Collins Park Garage Project was presented to the City Commission on January 16, 2013. Although the BODR was unanimously approved, there were concerns raised with respect to the following items:

1. Construction budget
2. Possibility of a rooftop passive park
3. Proposed concrete finish

The Consultants (Zaha Hadid Architects and Berenblum Busch Architecture) were directed to prepare a BODR addendum package for further clarification regarding each of these items.

The Administration seeks guidance in order to proceed with the construction documents phase of the project.


JLM/MT/JGG/DM

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18th June 2013

Neighbourhood /Community Affairs Committee
1700 Convention Center Drive
Miami Beach
Fl. 33139
USA

TO WHOM IT MAY CONCERN

I understand that you will meet to review our project for Collins Park Place this June. This is my first project in Miami, and one that I am especially keen to see through to completion. We were very excited to win the project in September 2011 and pleased at the almost immediate international attention for Collins Park which followed.

We have always considered the project as an urban piece of architecture which fulfils more than a simple functional role. Likewise, the City has a clear desire for an innovative design which breaks the mould of the typical building type.

We would like to proceed as soon as possible with this highly ambitious project for the City and hope that you are favourable to the design we have developed for your community.

The parking facility, designed to span two adjacent sites, will transform the existing, non-descript parcels into a truly urban environment and unique destination for the City. Additionally, Collins Park Place will become a catalyst for the revitalization of the Collins Park Neighbourhood.

We have given careful consideration to the development and integration of features for the project including the Collins Park "Gateway" bridge over Liberty Avenue which simultaneously creates a canopy over the public plaza, the spiralling feature stair with scenic elevator that encourages movement and safety, and a retail component designed to attract high-end tenants.

The City will certainly benefit from the financial returns generated as a result of attracting premium retail tenants and the ticket price to park within Collins Park Place. As an architect who is deeply interested in the urban impact of architecture; however, I look forward even more expectantly to experience first-hand the positive impact of this project on the Collins Park area.

Yours sincerely,

A handwritten signature in black ink, consisting of a series of fluid, overlapping loops and a long horizontal stroke extending to the right.

Zaha Hadid

Neighborhood/Community Affairs Committee Meeting
June 26, 2013

Discuss The Enforcement Components Of The Recycling Ordinance.

Item C4D, June 5, 2013

(Requested by Commissioner Libbin)

Eric Carpenter, Public Works Director

ITEM #8



COMMITTEE MEMORANDUM

TO: Neighborhoods / Community Affairs Committee

FROM: Jimmy L. Morales, City Manager 

DATE: June 26, 2013

SUBJECT: **DISCUSSION REGARDING THE ENFORCEMENT COMPONENTS OF THE RECYCLING ORDINANCE**

At the June 5, 2013 Commission Meeting a discussion regarding the enforcement components of the recycling ordinance was referred to the Neighborhood / Community Affairs Committee (NCAC).

BACKGROUND

At the June 6, 2012 City Commission meeting, the City Commission adopted Ordinance No. 2012-3768 (Attachment A) mandating multi-family residences and commercial establishments to implement a single-stream recycling program by July 1, 2013 and passed a motion requiring that the ordinance be brought back for the discussion of its enforcement components after the first year. The objective of the recycling ordinance is to establish a comprehensive Citywide Recycling Program for multifamily residences and commercial establishments to ensure that everyone has the opportunity to recycle and to increase the percentage of waste diverted from the landfill. The recycling ordinance provides for a one (1) year City-led education and community outreach effort, including a six (6) month warning period before issuing penalties.

The City began implementing the media component of its public education campaign on July 1, 2012 through MB Magazine, Chanel 77, and social media. The "I Recycle Because" campaign was developed to increase recycling awareness and establish a strong foundation for the Citywide Recycling Program for multi-family residences and commercial establishments. The second phase of the media campaign was launched in May 2013 through the following outlets: the Miami Herald, the Miami New Times, Miami-Dade Transit buses, the South Beach Regal Cinema movie theater, and taxi tops in South Beach. Staff has also conducted targeted outreach to the condominium and business community, including participating in condominium workshops, attending condominium association meetings, and meeting individually with properties to provide assistance with improving their recycling programs.

In August 2012, the City distributed an informational letter through the franchisee waste haulers advising properties without a recycling program of the new recycling requirements and the deadline for coming into compliance. Per the ordinance, multifamily and commercial establishments that do not provide a recycling program serviced by a licensed recycling contractor or that fail to separate recyclable material from the solid waste stream have been subject to warnings since January 1, 2013. In April 2013, Courtesy Warning letters were provided by the City to the franchisee waste haulers for distribution to properties that, despite the informational letter, remained non-compliant (Attachment B). The letters referenced the ordinance requirements, listed the resources and support services offered by the City to bring

properties into compliance, and asked the recipients to confirm compliance by returning enclosed forms or by submitting information through the City's website (www.miamibeachfl.gov/recycle).

The ordinance fee schedule is required to be at least as stringent as Miami-Dade County's ordinance. Therefore, the City's ordinance shares the same fee schedule provided by the County's ordinance. The ordinance stipulates that beginning July 1, 2013 properties without a recycling program will be subject to the following penalties for failing to provide a recycling program:

- a) For the first violation, a fine of \$350.
- b) For the second violation, a fine of \$500.
- c) For the third violation, a fine of \$1,000.
- d) For the fourth and subsequent violations, a fine of \$2,500.

The penalties for failing to use a single-stream recycling process to separate recyclables from all other solid waste are proposed as follows:

- a) For the first violation, no fine.
- b) For the second or subsequent violations, a fine of \$100.

As originally proposed, enforcement of the ordinance would be conducted on a complaint-driven basis by a Sustainability Officer whose focus would be to provide education and guidance rather than issuing fines. While this position was budgeted through the FY 2012/13 budget process, this position has not yet been filled. In the interim, staff has approached non-compliant properties on a complaint-driven basis to educate them about the recycling ordinance requirements and to help them comply. However, a number of properties have still not set up a single-stream recycling program despite the City's existing education efforts and support services.

ANALYSIS

As of May 2013, 1477 multifamily residential buildings, businesses and commercial establishments within the City of Miami Beach did not have a recycling program (Attachment C). This represents approximately 50% of all known commercial and multifamily accounts. While some of these properties have expressed their reluctance to comply with the ordinance requirements, other properties have indicated that limitations in the customization (i.e. number of bins, size of bins) of the recycling programs have prevented compliance. Additional constraints include space limitations within their property for recycling facilities and consistent contamination of the recycling stream by uneducated residents.

The City has several options for moving forward, including: 1) to enforce the existing ordinance as written; 2) to modify the existing ordinance by extending the education and outreach campaign for and revisiting the enforcement at a future date; or, 3) to revert to County enforcement of the County ordinance with City staff providing enforcement assistance and continuing education and outreach efforts tailored to the Miami Beach community. County Code (Section 15-2.5) gives the City the authority to establish and enforce its own ordinance, provided such ordinance is equivalent to or more stringent than the County's provisions. Therefore, per the City's Memorandum of Understanding (MOU) with the County, the penalties provided in the City's existing ordinance cannot be modified under any of these options (Attachment D).

Option 1 – Enforce the Existing Ordinance. If the City elects to enforce the existing ordinance, the penalties that come into effect on July 1, 2013 will give staff additional leverage with properties that refuse to recycle despite previous warnings. Staff recently consulted with the City of Gainesville because it incorporated civil citations approximately one year ago as part of the enforcement protocol for their mandatory commercial recycling ordinance. Its Recycling Manager advised that penalties were the key to addressing properties that were previously reluctant to comply with the law. Since its civil citations came into effect, the City of Gainesville has issued several written warnings, but only a handful of citations with penalties. Its Administration believes that the threat of the penalties has been sufficient in motivating non-compliant businesses to obey the ordinance requirements within the 30 day grace period granted by the warning.

Option 2 – Extend the Education and Outreach Efforts and Revisit the Enforcement at a Future Date. While this alternative does not provide a solution for properties that have consistently refused to comply, it allows staff to continue educating and providing assistance to properties that want to comply but are unfamiliar with the ordinance requirements. This option also gives staff the opportunity to meet with the franchisee waste haulers and develop solutions for program customization issues, which prevent some willing properties from recycling. If the City chooses this option, the City's recycling ordinance and MOU with the County will need to be revised accordingly. The County has advised that it is agreeable to allowing an additional period for further education and outreach with the understanding that enforcement will begin in 2014 or that the City will relinquish its enforcement authority back to the County.

Option 3 – Revert to County's Recycling Ordinance. Staff can continue to assist the County in its previous capacity, which included providing education and outreach tailored to Miami Beach and providing County inspectors with a list of non-compliant properties. It must be noted that the County requires the City to verify the list of properties without a recycling program provided by the franchisee waste haulers before it will conduct an on-site inspection. Therefore, staff would be required to continue to respond on a complaint-driven basis or to conduct proactive inspections of all properties on the haulers' list for this enforcement option to work.

CONCLUSION

The above information is provided for discussion by members of the Neighborhoods / Community Affairs Committee.

Attachments: A. City of Miami Beach's Recycling Ordinance
B. Recycling Courtesy Warning Letter & Verification Form
C. City of Miami Beach Recycling Statistics
D. Multi-Family and Commercial Recycling MOU



MT/JE/RWS/ESW/MKW

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ORDINANCE NO. 2012-3768

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 90 OF THE MIAMI BEACH CITY CODE, ENTITLED "SOLID WASTE," BY AMENDING THE DEFINITIONS IN ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTION 90-2, ENTITLED "DEFINITIONS"; BY AMENDING ARTICLE II, ENTITLED "ADMINISTRATION" BY AMENDING THE PENALTIES FOR SOLID WASTE VIOLATIONS AND TO PROVIDE PROVISIONS AND PENALTIES RELATIVE TO RECYCLING FOR MULTIFAMILY RESIDENCES AND COMMERCIAL ESTABLISHMENTS; BY CREATING ARTICLE V, TO BE ENTITLED "CITYWIDE RECYCLING PROGRAM FOR MULTIFAMILY RESIDENCES AND COMMERCIAL ESTABLISHMENTS," TO PROVIDE PROVISIONS FOR RECYCLING REQUIREMENTS AND ENFORCEMENT, A PUBLIC EDUCATION PROGRAM, A WARNING PERIOD, AN ENFORCEMENT DATE, REQUIREMENTS FOR RECYCLING CONTRACTORS, PENALTIES, AND SPECIAL MASTER APPEAL PROCEDURES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the recycling of recyclable materials is in the best interest of the environment, City residents, and in maintaining the City's prominence as a world class resort destination; and

WHEREAS, by managing solid waste and conserving material resources through reduction, reuse, and recycling, the City will help minimize impacts to the quality and safety of the local environment, reduce costs of waste disposal, and decrease the carbon footprint associated with the production use, and disposal of materials; and

WHEREAS, the City seeks to establish a Citywide Recycling Program for multifamily residences and commercial establishments that provides standards that are equivalent to or exceed the minimum recycling requirements of Miami-Dade County; and

WHEREAS, pursuant to Sections 15-2.2 through 15-2.4 of the Miami-Dade County Code, the City and Miami-Dade County have agreed that the following Citywide Recycling Program meets the minimum standards set forth in section 15-2.5 of the Miami-Dade County Code and, in conjunction with the passage of this Ordinance, the City and Miami-Dade County will enter into a Memorandum of Understanding so that the City may implement said Program.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Article I, entitled "In General," of Chapter 90 of the Miami Beach City Code, entitled "Solid Waste," is hereby amended as follows:

CHAPTER 90

SOLID WASTE

* * *

ARTICLE I. IN GENERAL

Sec. 90-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

Commercial establishment means an establishment dealing in an exchange of goods or services for money or barter. For purposes of this chapter, the term shall include churches, synagogues and schools.

* * *

Multifamily residence means a building occupied or intended to be occupied by two (2) or more families living separately, with separate kitchens in each unit.

* * *

Offense means a notice of violation that has not been appealed timely or a finding of a violation by a special master following the appeal of a violation.

* * *

Premises means real property and includes any buildings or structures thereon.

* * *

Recyclable materials means those materials capable of being recycled and which would otherwise be processed or disposed of as solid waste. Any recyclable material mixed with solid waste shall be considered to be solid waste.

Recycling means any process by which recyclable materials are collected, separated, or processed to be reused or returned to use in the form of raw materials or products.

Recycling container means a container approved by the city manager for collection of recyclable material by a recycling contractor.

Recycling contractor means a private contractor licensed by the city and state who collects recyclable materials and transports same to a state or county-licensed recycling facility for processing. Recycling contractors must provide their customers with a separate recycling container for recyclable materials.

Single-stream recycling means a process by which certain recyclable materials are mixed together instead of being sorted into separate recycling containers in the collection process.

SECTION 2. That Article II, entitled "Administration," of Chapter 90 of the Miami Beach City Code entitled "Solid Waste," is hereby amended as follows:

CHAPTER 90

SOLID WASTE

* * *

ARTICLE II. ADMINISTRATION

Sec. 90-36. Enforcement of chapter; notice of violation.

(a) The city manager is hereby authorized and directed to enforce all the provisions of this chapter regulating and governing the accumulation, collection, and disposal of solid waste. The city manager shall have the power to delegate duties to employees working under his authority (including, without limitation, the city's public works director) in the enforcement of the provisions of this chapter.

(b) Upon presentation of proper credentials, an inspector designated by the city manager may enter any building, structure, lot or other premises for the purpose of inspection, or to prevent violations of this chapter.

(c) The existence of solid waste shall be prima facie evidence that the same was created or placed there by the occupant of the dwelling or commercial establishment; or the owner; or the operator or manager. The existence of the same garbage inside the same garbage containers for four (4) consecutive days upon premises serviced by a private waste contractor shall be prima facie evidence of a violation of this chapter by the contractor. For purposes of this section premises serviced by a private waste contractor shall not include accounts that have been discontinued by the contractor when notice of discontinued service has been mailed to the owner, occupant; or operator or manager, as well as to the city, prior to the accumulation of the garbage.

(d) Whenever a designated city inspector observes a violation (or violations) of this chapter regarding solid waste or an accumulation of solid waste that creates a health hazard, environmental hazard, or nuisance, the inspector shall order the violation(s) to be corrected within a specified period of time by serving a written notice of violation(s) upon the person causing, or responsible for, such violation and/or health hazard, environmental hazard, or nuisance. Such person shall immediately cease or abate the violation(s).

(e) ~~A~~ The notice of violation shall be served personally or by certified mail upon the property owner or upon the person(s) in lawful possession of the premises, and/or upon the waste contractor servicing the premises. If the person addressed with such notice cannot be found by the city after making reasonable good faith effort, such notice shall be sent by certified mail to the last known address of such person, and a copy of the notice shall be posted in a conspicuous place on the premises. Such notice shall be deemed the equivalent of personal service.

(f) The notice shall specify any fine(s) that may be due in connection with the violation(s), the time specified by the inspector to correct the violations, and the procedure for timely payment or appeal of the fine(s).

(g) If the inspector determines that the conditions constitute an immediate threat to the health, safety or welfare of the public, he/she may order the immediate correction of the

violation(s) at the expense of the occupant; owner; or operator or manager and the city shall have the right to recover such expenses as provided in section 90- 436 37.

(h) The enforcement of the recycling requirements for the citywide recycling program for multifamily residences and commercial establishments provided for in Article V of this chapter, and the penalties for violations of Article V, are provided in sections 90-345 through 90-347 of this chapter.

Sec. 90-37. Removal of waste by city; penalties for violations.

If the person served with a notice of violation pursuant to section 90-36 does not correct the violation within the specified time, the city manager may do the following:

(1) For violations involving failure to remove solid waste, the city manager may cause the waste to be removed from the premises and charge the actual costs to the owner; occupant; or operator or manager, on a force account basis. Any fine due pursuant to section 90-39 or 90-40 shall also be charged to the owner; occupant; or operator or manager. Failure to pay such costs and fines or to appeal pursuant to section 90-38 within fifteen (15) days of receipt of the notice shall result in the imposition of a lien upon the property, in the amount of such costs and fines. Such liens shall be treated as special assessment liens against the subject real property and, until fully paid and discharged, shall remain liens equal in rank and dignity with the lien of ad valorem taxes, and shall be superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved. Such liens shall be enforced by any of the methods provided in Ch. 86, Florida Statutes; or, in the alternative, foreclosure proceedings may be instituted and prosecuted under the provisions of Ch. 173; Florida Statutes; or the collection and enforcement or payment thereof may be accomplished by any other method authorized by law. The owner; occupant; or operator or manager shall pay all costs of collection, including reasonable attorneys fees incurred in the collection of fines, and other charges, penalties, and liens imposed by virtue of this chapter.

(2) For violations of this chapter for which no fine is specified in sections 90-39 and 90-40, the city attorney may prosecute the violators pursuant to section 1-14. Fines for such offenses shall be as follows:

- a. First offense, \$350.00.
- b. Second offense, \$500.00.
- c. Third offense, \$1,000.00.
- d. Fourth or subsequent offense, \$5,000.00.

(3) For violations which present a serious threat to the health, safety or welfare of the public and/or violations that ~~are continually repeated~~ constitute a fourth or subsequent offense by the same violator, the city ~~attorney~~ may seek injunctive relief and/or, in the case of commercial establishments, revoke the business tax receipt and/or certificate of use of the establishment and/or premises, in addition to the penalties set forth in sec. 90-37(2).

Sec. 90-38. Appeal to special master.

(a) Any person receiving a notice of violation pursuant to section 90-36 and/or a notice of fine pursuant to sections 90-39 and/or 90-40 may request, within fifteen (15) days of receipt of the notice, an administrative hearing before a special master, appointed as provided in article II of chapter 30, to appeal the decision of the city inspector resulting in the issuance of the notice. Procedures and application fee for the scheduling and conduct of the hearing shall be as provided in sections 102-384 and 102-385. Failure to appeal within the prescribed time period shall constitute a waiver of the violator's right to an administrative hearing. A waiver of the right to an administrative hearing shall be treated as an admission of the violation, as noticed, and fines and penalties may be assessed accordingly.

(b) Timely filing of a notice of appeal pursuant to this section shall toll the imposition of a lien pursuant to section 90-37 or 90-136, or enforcement procedures pursuant to section 90-36, until thirty (30) days after the issuance of a written determination by the special master. Any amounts of money due the city pursuant to such determination must be received by the city within thirty (30) days after the issuance of the determination, or a lien shall be imposed upon the property in question, and any other enforcement or collection procedures commenced, as provided by this chapter or under state law.

SECTION 3. That Article V, to be entitled "Citywide Recycling Program for Multifamily Residences and Commercial Establishments," of Chapter 90 of the Miami Beach City Code, entitled "Solid Waste," is hereby created as follows:

CHAPTER 90

SOLID WASTE

* * *

ARTICLE V.

**CITYWIDE RECYCLING PROGRAM FOR
MULTIFAMILY RESIDENCES AND COMMERCIAL ESTABLISHMENTS**

Sec. 90-340. Recycling program and separation of recyclable materials from solid waste stream required for multifamily residences of nine (9) dwelling units or more; owner/association liability; recycling contractors' assistance.

(a) As of January 1, 2013, every multi-family residence of nine (9) dwelling units or more shall provide a recycling program pursuant to this section or a City approved modified recycling program pursuant to section 90-344. The property owner shall be liable for the failure to provide a recycling program or a modified recycling program approved by the City, provided, however, that a condominium or cooperative apartment having a condominium association or a cooperative apartment association shall be liable, rather than the individual unit owner(s), for a violation of this subsection. Further, recycling contractors shall assist and provide written notice to the director of public works in identifying multifamily residences subject to this article which do not have a recycling program or, in the alternative, which have allowed a recycling program to lapse or expire.

(b) As of January 1, 2013, every multifamily residence of nine (9) dwelling units or more shall be required to use a single stream recycling process to separate, from all other solid waste, the five (5) following recyclable materials:

- 1) Newspaper. Used or discarded newsprint, including any glossy inserts;
- 2) Glass. Glass jars, bottles, and containers of clear, green or amber (brown) color of any size or shape used to store and/or package food and beverage products for human or animal consumption, and/or used to package other products, which must be empty and rinsed clean of residue. This term excludes ceramics, window or automobile glass, mirrors, and light bulbs;
- 3) Metal food and beverage containers. All ferrous and nonferrous (i.e., including, but not limited to, steel, tin-plated steel, aluminum and bimetal) food and beverage containers (i.e., including, but not limited to, cans, plates, and trays) of any size or shape used to store and/or package food and beverage products suitable for human or animal consumption, which must be empty and rinsed clean of residue;
- 4) Other metal containers. All other ferrous and non ferrous containers used to package household products including, but not limited to, paint cans and aerosol cans, which must be empty and rinsed clean of residue;
- 5) Plastics. All high density polyethylene (HDPE) and/or polyethylene terephthalate (PET) bottles, jugs, jars, cartons, tubs, and/or other containers, and lids, of any size or shape used to package food, beverages, and/or other household products, or crankcase oil, which must be empty and rinsed clean of residue. This term excludes all plastic film, plastic bags, vinyl, rigid plastic (i.e., toys), and plastic foam materials; and

(c) Every multifamily residence of nine (9) dwelling units or more shall be serviced by a recycling contractor licensed by the city and state.

Sec. 90-341. Recycling program and separation of recyclable materials from solid waste stream required for commercial establishments; joint and several liability; recycling contractors' assistance.

(a) As of January 1, 2013, every commercial establishment shall provide a recycling program pursuant to this section or a City approved modified recycling program pursuant to section 90-344. The failure of a commercial establishment to provide a recycling program or a modified recycling program shall result in joint and several liability for the property owner(s) and the owner(s) and operator(s) of the commercial establishment. Further, recycling contractors shall assist and provide written notice to the director of public works in identifying commercial establishments which do not have a recycling program or, in the alternative, which have allowed a recycling program to lapse or expire.

(b) As of January 1, 2013, every commercial establishment shall be required to use a single stream recycling process to separate, from all other solid waste, three (3) of the following seven (7) recyclable materials.

- 1) Newspaper, Cardboard, Magazines, and Catalogues, Telephone Books and/or Directories, and Office Paper. As defined, but not limited to, the same type(s) of recyclable materials as provided in Section 90-340(b)(1);
- 2) Glass. As defined and including the same type(s) of recyclable materials as provided in Section 90-340(b)(1)(2);
- 3) Metal food and beverage containers. As defined and including the same type(s) of recyclable materials as provided in Section 90-340(b)(3);
- 4) Other metal containers. As defined and including the same type(s) of recyclable materials as provided in Section 90-340(b)(4), but also, for purposes of this subsection (4), including scrap metal, which shall mean used or discarded items suitable for recycling, consisting predominantly of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel or alloys thereof including, but not limited to, bulk metals such as large metal fixtures and appliances (including white goods such as washing machines, refrigerators, etc.), but excluding metal containers utilized to store flammable or volatile chemicals, such as fuel tanks;
- 5) Plastics. As defined and including the same type(s) of recyclable materials as provided in section 90-340(b)(5);
- 6) Textiles;
- 7) Wood. Clean wood waste and/or pieces generated as by-products from manufacturing of wood products. It excludes clean yard waste and clean waste (i.e. natural vegetation and minerals such as stumps, brush, blackberry vines, tree branches, and associated dirt, sand, tree bark, sand and rocks), treated lumber, wood pieces, or particles containing chemical preservatives, composition roofing, roofing paper, insulation, sheetrock, and glass,

(c) Every commercial establishment shall be serviced by a recycling contractor licensed by the city and state.

Sec. 90-342. Unauthorized collection of designated recyclable materials.

Only those recycling contractors that have been authorized and licensed by the city and the state to collect designated recyclables in the city shall be authorized to collect recyclable materials under this article. All recycling contractors shall comply with all applicable state and city laws and regulations.

Sec. 90-343. Public education program; requirements for recycling contractors; warning period; enforcement date.

- a) Beginning June 1, 2012, the city shall engage in public education efforts and the city shall not prosecute individuals who unknowingly fail to provide a recycling program or a city approved modified recycling program, or unknowingly fail to separate

recyclable materials from all other solid waste materials required to be separated by this article, until as provided in subsections (c) and (d) of this section.

- b) All recycling contractors must appropriately designate the recycling collection containers they provide to customers. The containers must contain the appropriate signage and information, as shall be established and approved by the city pursuant to subsection (c) below, that allows users to clearly and easily identify the container for recycling.
- c) Beginning January 1, 2013, the city shall provide for a six (6) month warning period, through and including December 31, 2012, June 30, 2013, in which warning tickets shall be issued to persons who fail to provide a recycling program, or a City approved modified recycling program, or fail to separate recyclable materials from all other solid waste materials, regardless of knowledge or intent.
- d) Beginning July 1, 2013, this article shall be enforced and penalties shall be applied and imposed for violations of this article as provided in sections 90-345 and 90-346. Notwithstanding the foregoing, prior to July 1, 2013, the City Manager shall bring the enforcement provisions of Article V to the City Commission for its review and consideration.

Sec. 90-344. Modified recycling programs.

- (a) Recycling programs which incorporate modifications, substitutions or reductions to the requirements of Sections 90-340 and 90-341 may be submitted to the city's public works director ("director") for approval. Approval, rejection, or approval with conditions of the proposed modified recycling program shall be determined by the director. The director shall consider the following factors in evaluating the proposed modified recycling program:
 - (1) Whether the establishment operates a recycling program, and is self-hauling the materials to a recyclable material vendor.
 - (2) Whether the establishment generates a lesser number of recyclable materials than the required minimum types of recyclables required in Sections 90-340 or 90-341, as applicable.
 - (3) Whether the establishment generates and recycles materials not listed in Section 90-340 or Section 90-341, as applicable.
 - (4) Whether the establishment is contracting with a permitted private hauler for collection services, which services provide for a post-collection separation of recyclable material, and which:
 - (i) generate recyclable materials which comply, in kind and quantity, with the recycling requirements provided for in Section 90-340 or Section 90-341, as applicable; and
 - (ii) utilize a materials separation facility which is permitted in accordance with all applicable federal, State and local laws.

- (b) Any person seeking approval of a modified recycling program shall submit an application in such form as is prescribed by the director. All modified recycling programs shall be reviewed on an annual basis and applicants shall be required to confirm or revise the information contained in their applications at that time. An application for approval of a modified recycling program shall include, but not be limited to, the following documentation, as appropriate to the specific application:
- (1) Supporting documentation to evidence self-haul activities, which shall include proof of source-separation activities and copies of receipts from recyclable material purchasers.
 - (2) A waste composition study of the waste generated by the applicant, which shall cover a representative time period of no shorter than one (1) week.
 - (3) A copy of the applicable contract with a post-collection separation facility, specifying materials and volumes recycled which are attributable to the applicant.

Sec. 90-345. Enforcement.

(a) The city manager is hereby authorized and directed to enforce all the provisions of this article regulating and governing the accumulation, collection, recycling, and disposal of recyclable materials. The city manager shall have the power to delegate duties to employees working under his authority in the enforcement of the provisions of this article.

(b) Whenever a designated city inspector observes a violation(s) of this article, or an accumulation of recyclable materials that creates a health hazard, environmental hazard, or nuisance, the inspector shall order the violation(s) to be corrected within a specified period of time by serving a written notice of violation(s) upon the property owner or upon the manager or other person in charge. Such person(s) shall immediately cease or abate the violation(s).

(c) If the inspector determines that the conditions constitute an immediate threat to the health, safety or welfare of the public, the inspector may order the immediate correction of the violation(s) at the expense of the property owner, manager, or other person in charge, and the city shall have the right to recover such expenses as provided in section 90-37(1).

(d) A notice of violation shall be served personally or by certified mail upon the property owner, or upon the manager or other person in charge of the premises. If the person addressed with such notice cannot be found by the city after making a reasonable good faith effort, such notice shall be sent by certified mail to the last known address of such person, and a copy of the notice shall be posted in a conspicuous place on the premises. Such notice shall be deemed the equivalent of personal service.

(e) Beginning July 1, 2013, violators of sections 90-340 and 90-341 shall be issued one warning and shall correct the violation within 30 days. If the violation is not corrected within 30 days, a notice of violation shall be issued. After one warning, violators of sections 90-340 and 90-341 shall be issued a notice of violation. All notices of violations shall specify any fine or penalty that may be due in connection with the violation(s), the time specified by the inspector to correct the violation(s), and the procedure for timely payment or appeal of the fine or penalty.

Sec. 90-346. Penalties for violations of this article; removal of recyclable materials by city; liens imposed for failure to pay fines or appeal.

- (a) Penalties for violations of sections 90-340(a) and 90-341(a) shall be as follows:
- (1) For the first violation, a fine of \$350.00.
 - (2) For the second violation, a fine of \$500.00.
 - (3) For the third violation, a fine of \$1000.00.
 - (4) For the fourth violation, a fine of \$2,500.00.
- (b) The penalty for violation of sections 90-340(b) and 90-341(b) shall be as follows:
- (1) For the first violation, no fine.
 - (2) For the second or subsequent violations, a fine of \$100.00.
- (c) The penalty for all other violations of this article shall be \$250.00 for each violation.
- (d) Any penalty due pursuant to this article shall be charged to the person or entity as provided in section 90-340(a) or section 90-341(a). Failure to pay such costs and penalties, or to appeal pursuant to section 90-347 within fifteen (15) days of receipt of the notice of violation shall result in the imposition of a lien upon the premises, in the amount of such costs and penalties. Such liens shall be treated as special assessment liens against the subject real property and, until fully paid and discharged, shall remain liens equal in rank and dignity with the lien of ad valorem taxes, and shall be superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved. Such liens shall be enforced by any of the methods provided in Ch. 86, Florida Statutes; or, in the alternative, foreclosure proceedings may be instituted and prosecuted under the provisions of Ch. 173; Florida Statutes; or the collection and enforcement or payment thereof may be accomplished by any other method authorized by law. The owner, occupant, operator, or manager of the premises shall pay all costs of collection, including reasonable attorneys fees incurred in the collection of fines, and other charges, penalties, and liens imposed by virtue of this chapter.
- (e) For violations which (i) present a serious threat to the health, safety or welfare of the public, and/or (ii) constitute a fourth or subsequent offense by the same violator under section 90-346(a), the city may seek injunctive relief and/or, in the case of commercial establishments, revoke the business tax receipt and/or certificate of use of the establishment and/or premises, in addition to the penalties set forth in section 90-346(a), (b), or (c), as applicable.

Sec. 90-347. Appeal to Special Master.

- (a) Any person receiving a notice of violation pursuant to this article may request, within fifteen (15) days of receipt of the notice, an administrative hearing before a special master,

appointed as provided in article II of chapter 30, to appeal the decision of the city inspector resulting in the issuance of the notice. The procedures and application fee for the scheduling and conduct of the hearing shall be as provided in sections 102-384 and 102-385. Failure to appeal within the prescribed time period shall constitute a waiver of the violator's right to an administrative hearing. A waiver of the right to an administrative hearing shall be treated as an admission of the violation, and fines and penalties may be assessed accordingly.

(b) Timely filing of a notice of appeal pursuant to this section shall toll the imposition of a lien or enforcement procedures pursuant to section 90-347, until thirty (30) days after the issuance of a written determination by the special master. Any costs or penalty amounts due the city pursuant to such determination must be received by the city within thirty (30) days after the issuance of the determination, or a lien shall be imposed upon the premises, and any other enforcement or collection procedures may be commenced, as provided by this chapter or under state law.

SECTION 4. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 5. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 6. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect the 16th day of June, 2012.

PASSED and ADOPTED this 6th day of June, 2012.

ATTEST:




MAYOR MATTI HERRERA BOWER

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney

6/8/12
Date

**Recycling Ordinance Fiscal Analysis - 1 Full-time & 1 Part-time Sustainability Officers****EXPENDITURES****Staffing**

	Hourly Rate	Hours	#	Salary	Pension	Medicare	Health	OT	Holiday Pay	Uniforms	Total
FT - Sustainability Officer	\$ 20.09	2,080	1	\$ 41,787.20	\$ 845	\$ 605.91	\$2,487	6,257	\$ 592.20	\$ 921.32	\$53,495
PT - Code Compliance Off.	\$ 20.09	1,534	1	\$ 30,818.06	\$ 770	\$ 446.86	\$0	0		\$ 600.00	\$32,635
TOTAL			1	\$41,787	\$845	\$606	\$2,487	6,257	\$592	\$921	\$53,495

On-Going Operating Expenditures

	Cost / unit	#	
Fuel, Maintenance & Insurance	\$ 6,505	2	\$13,010
Office Supplies	\$ 463	2	\$926
TOTAL			\$13,936

One-Time Expenditures

	Cost / unit	#	
Vehicles - Ford Focus	\$ 13,133	2	\$26,266.00
Furniture, Fixtures & Equipment	\$ 1,000	2	\$2,000.00
Computers and Software	\$ 4,269	2	\$8,538.00
TOTAL			\$36,804

TOTAL ANNUAL
EXPENDITURES

\$67,431

Plus 1st Year Start-Up Costs

\$36,804

TOTAL - First Year

\$104,235

Condensed Title:

An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending Chapter 90 Of The Miami Beach City Code, Entitled "Solid Waste," By Amending The Definitions In Article I, Entitled "In General," By Amending Section 90-2, Entitled "Definitions"; By Amending Article II, Entitled "Administration" By Amending The Penalties For Solid Waste Violations And To Provide Provisions And Penalties Relative To Recycling For Multifamily Residences And Commercial Establishments; By Creating Article V, To Be Entitled "Citywide Recycling Program For Multifamily Residences And Commercial Establishments," To Provide Provisions For Recycling Requirements And Enforcement, A Public Education Program, A Warning Period, An Enforcement Date, Collector Liability, Penalties, And Special Master Appeal Procedures; Providing For Repealer, Severability, Codification, And An Effective Date.

Key Intended Outcome Supported:

Enhance the Environmental Sustainability of the Community.

Supporting Data (Surveys, Environmental Scan, etc.): The solid waste haulers operating in the City have reported that approximately 1,600 multifamily and commercial establishments within the City are currently not participating in the County-required Recycling Program.

Issue:

Shall the Mayor and City Commission approve the Ordinance?

Item Summary/Recommendation:**SECOND READING PUBLIC HEARING**

The new proposed ordinance seeks to establish a comprehensive Citywide Recycling Program for multifamily residences and commercial establishments. The County Code (Section 15-2.5) gives the City the authority to establish and enforce its own ordinance, provided such ordinance is equivalent to or more stringent than the County's provisions. The new proposed ordinance would require that every multifamily residence of nine (9) dwelling units or more provide a recycling program and use a single-stream recycling process to separate recyclables.

The Sustainability Committee recommended that the City focus on education and address enforcement efforts on a complaint driven basis. Beginning June 1, 2012 the new proposed ordinance calls for a six (6) month education and community outreach effort, followed by a six (6) month warning period before penalties would be issued. During the education and outreach period, the City would implement an aggressive public education campaign to inform the public of the new requirements. After the year of extensive education and outreach, the six (6) month warning period (or pre-full implementation period) would take place, where only warning notices without monetary fines would be issued.

In FY 2011/12, \$50,000 was appropriated to initiate the education program. The City will retain a marketing company to develop a unified educational campaign with the goal of increasing recycling awareness and educating multifamily and commercial establishments. It is the intent to have enforcement of the new proposed ordinance conducted on a complaint driven basis by a Sustainability Officer whose focus will be to provide education and guidance rather than issuing of fines.

The Ordinance was approved on First Reading at the May 9, 2012 City Commission Meeting.

THE ADMINISTRATION RECOMMENDS APPROVING THE ORDINANCE ON SECOND READING PUBLIC HEARING.

Advisory Board Recommendation:

On April 19, 2012, the FCWPC recommended that the Commission approve the new proposed ordinance on First Reading. The FCWP also recommended that the City should not enforce fines until a decision has been made on how to enforce the separation requirements of the ordinance.

Financial Information:

Source of Funds:	Amount	Account
1		
OBPI	Total	

Financial Impact Summary: Approval of the Recycling Ordinance represents an annual impact of \$104,000 which will be submitted for approval through the FY2012/13 budget process.

City Clerk's Office Legislative Tracking:

Richard Saltrick ext. 6565

Department Director	Assistant City Manager	City Manager
FHB <i>FHB</i>	JGG <i>JGG</i>	JMG <i>JMG</i>

Sign-Offs:

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MIAMIBEACH

AGENDA ITEM RSB
DATE 6-6-12



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

**SECOND READING
PUBLIC HEARING**

DATE: June 6, 2012

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 90 OF THE MIAMI BEACH CITY CODE, ENTITLED "SOLID WASTE," BY AMENDING THE DEFINITIONS IN ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTION 90-2, ENTITLED "DEFINITIONS"; BY AMENDING ARTICLE II, ENTITLED "ADMINISTRATION" BY AMENDING THE PENALTIES FOR SOLID WASTE VIOLATIONS AND TO PROVIDE PROVISIONS AND PENALTIES RELATIVE TO RECYCLING FOR MULTIFAMILY RESIDENCES AND COMMERCIAL ESTABLISHMENTS; BY CREATING ARTICLE V, TO BE ENTITLED "CITYWIDE RECYCLING PROGRAM FOR MULTIFAMILY RESIDENCES AND COMMERCIAL ESTABLISHMENTS," TO PROVIDE PROVISIONS FOR RECYCLING REQUIREMENTS AND ENFORCEMENT, A PUBLIC EDUCATION PROGRAM, A WARNING PERIOD, AN ENFORCEMENT DATE, COLLECTOR LIABILITY, PENALTIES, AND SPECIAL MASTER APPEAL PROCEDURES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission approve the Ordinance on Second Reading and Public Hearing.

BACKGROUND

The Ordinance was approved on First Reading at the May 9, 2012 City Commission Meeting.

Commissioner Jonah Wolfson worked with the City Attorney's Office and City Administration, as well as members of the City's Sustainability Committee, on a proposed ordinance that would require mandatory recycling for multifamily residences and commercial establishments in the City, via the establishment of a City of Miami Beach Mandatory Recycling Enforcement Program. On July 13, 2011, the proposed recycling ordinance was approved by City Commission and referred to the Finance and Citywide Projects Committee (FCWPC) between first and second reading. The FCWPC directed the Administration to conduct a Recycling Workshop, held on October 24, 2011. At the Workshop, Commissioner Michael Gongora indicated that the item would be further discussed at the Sustainability Committee prior to referral to the FCWPC to discuss funding. On November 15, 2011, the Sustainability Committee recommended that the City revise the ordinance to more closely reflect the Miami-Dade County's ordinance, but with revised fines that do not accrue daily. Based on the Sustainability Committee's recommendations, the first reading ordinance was significantly modified. A new proposed Ordinance was presented to the Sustainability Committee on January 17, 2012 and February 28, 2012 for further discussion. On February 28, 2012, the

Sustainability Committee recommended that the new proposed ordinance be referred to the FCWPC.

On April 19, 2012, the FCWPC recommended the City not implement fines until a decision has been made on how to enforce the recycling separation requirements, and to approve the new proposed ordinance on First Reading. On May 9, 2012, the City Commission approved the new proposed ordinance on First Reading.

Currently, Miami-Dade County Code (Sections 15-2.2 to 15-2.4) requires multifamily and commercial establishments to have a recycling program. However, as a result of multiple issues, including fiscal constraints at the County level, the County Code requirement to have a recycling program is not adequately or comprehensively enforced. The solid waste franchise haulers have reported that approximately 1,600 multifamily residential buildings and commercial establishments within the City of Miami Beach are currently not participating in the County-required recycling program. This is approximately 30% of all known commercial and multifamily accounts.

The objective of the new proposed recycling ordinance is to establish a comprehensive Citywide Recycling Program for multifamily residences and commercial establishments. The County Code (Section 15-2.5) gives the City the authority to establish and enforce its own ordinance, provided such ordinance is equivalent to or more stringent than the County's provisions. The new proposed ordinance (Attachment A), which is an amendment to Chapter 90 of the City Code, would require multifamily residences and commercial establishments in the City to provide a recycling program and to use a single stream recycling process to separate recyclables. Multifamily and commercial establishments would receive fines if they do not provide a recycling program serviced by a licensed recycling contractor or if they fail to separate recyclable material from the solid waste stream.

Single-family homes and multifamily buildings of up to eight (8) units are already provided weekly recycling services via Miami-Dade County's Curbside Recycling Program, which was done through an Inter-Local Agreement (Agreement) entered into on June 14, 1990. The Agreement authorizes the County to act on the City's behalf in the administration of the contract for this recycling service in the areas of municipal jurisdiction. The current number of households served by Miami-Dade County within the City of Miami Beach is 6,500 units. The contractor that currently provides the service to Miami Beach through the Agreement is World Waste Services.

Commercial facilities and multifamily residences with nine (9) or more units are required by Miami-Dade County to hire, by means of a contract, a private solid waste hauler for their recycling pick-up. Miami-Dade County Code Chapter 15 entitled "Solid Waste Management", Sections 15-2.2 through Sections 15-2.5 requires the following:

- Owners/Property owners of commercial establishments in Miami-Dade County must provide a recycling program for their employees and tenants, using the services of an authorized waste hauler or private recycling hauler.
- The program must recycle three (3) items from the following list of ten (10): high-grade office paper, mixed paper, corrugated cardboard, glass, aluminum, steel, other scrap production metals, plastics, textiles, and wood.
- Modified Recycling Programs - those that incorporate modifications, substitutions or reductions to the requirements stated above - may be submitted to the Department of Public Works and Waste Management for review and approval.

CURRENT ENFORCEMENT

On September 1, 2009, the Miami-Dade County Multifamily and Commercial Recycling Memorandum of Understanding (MOU) between the City of Miami Beach and Miami-Dade County

was approved. Under the MOU, the County agrees to enforce recycling under County Code Chapter 15, Sections 15-2.2 through 15-2.5 within the City of Miami Beach. When facilities are found to not have a recycling program, the County issues the offending party a warning notice followed by a notice of violation that may include fines as delineated in Miami-Dade Code Chapter 8CC - entitled "Code Enforcement". In 2007-08, the County collected a total of \$11,550 in fines Countywide for non-compliance with their recycling ordinance.

On March 29, 2010, the City provided Miami-Dade County Solid Waste Management with a list of 434 addresses from the waste haulers' multifamily and commercial accounts that were not recycling.

In August 2010, the County initiated a proactive inspection approach to enforcement and inspected a total of 203 multifamily residences and 27 commercial establishments. If facilities were found to not have a recycling program, the facilities were issued a warning notice followed by a notice of violation that may include fines delineated in Miami-Dade Code Chapter 8CC entitled "Code Enforcement". However, in October 2010 the County returned to a complaint-driven approach with an emphasis on education.

In January 2012, the City franchise waste haulers provided the City with an updated list of 1,560 commercial facilities and multifamily residences that do not have a contract with them for a recycling program. The list was forwarded to the County; however, according to the County, the list was too large and needed to be verified by the City. The County requested that the City review the lists provided by the waste haulers, by visiting each address to confirm that in fact the address does not have a recycling service. The percentage of non-compliant facilities that have received fines since January 2012 is unknown. Based on the County's complaint-driven approach that focuses more on education than issuance of fines, this number is anticipated to be low.

PROPOSED RECYCLING ORDINANCE

The new proposed recycling ordinance closely mirrors the existing County ordinance. The new proposed ordinance requires that every multifamily residence of nine (9) dwelling units or more shall provide a recycling program and use a single-stream recycling process to separate recyclables. Similar to the County, the new proposed ordinance provides that multifamily and commercial facilities can submit to the City's Public Works Director for approval of a modified recycling program. The Sustainability Committee recommended that the City focus on education and address enforcement efforts on a complaint driven basis. Beginning June 1, 2012 the new proposed ordinance calls for a six (6) month education and community outreach effort, followed by a six (6) month warning period before penalties would be issued. During the education and outreach period, the City would implement an aggressive public education campaign to inform the public of the new requirements. This would entail comprehensive community outreach through the Chamber of Commerce, local schools, business associations, and homeowner and condominium associations. In addition, the City would disseminate information about the new program through TV, website, social media, and printed media. After the year of extensive education and outreach, the six (6) month warning period (or pre-full implementation period) would take place, where only warning notices without monetary fines would be issued.

In FY 2011/12, \$50,000 was appropriated to initiate the education program. The City will retain a marketing company to develop a unified educational campaign with the goal of increasing recycling awareness and educating multifamily and commercial establishments. It is the intent that this company will establish a model for the City to continue to use and build upon. In the future, the City will also look to using volunteers to continue to promote recycling education within individual condominiums and with the business community.

It is the intent to have enforcement of the new proposed ordinance conducted on a complaint driven basis by a Sustainability Officer whose focus will be to provide education and guidance rather than

issuing of fines. The new proposed ordinance fine schedule is less stringent than the County's. The County ordinance states that a repeat violation which remains uncorrected beyond the time prescribed for correction in the notice of violation shall be treated as a continuing violation, and the additional penalty for each day of continued violation shall be equal to the doubled amount due for the first day of the repeat violation. The Sustainability Committee recommended that the penalties in the new proposed ordinance not accrue daily. The new proposed ordinance mandates the following penalties for failing to provide a recycling program:

- a) For the first violation, a fine of \$350.
- b) For the second violation, a fine of \$500.
- c) For the third violation, a fine of \$1,000.
- d) For the fourth and subsequent violations, a fine of \$2,500.

The above fines mirror the City's fines for solid waste violations under Sec. 90-37 of the City Code, except for the fourth and subsequent violations. The solid waste fine is \$5,000 for the fourth and subsequent violations. However, the Sustainability Committee recommended that the fine for the fourth and subsequent recycling violations be \$2,500.

The penalties for failing to use a single stream recycling process to separate recyclables from all other solid waste are proposed as follows:

- a) For the first violation, no fine.
- b) For the second or subsequent violations, a fine of \$100.

Legally, the City's Ordinance must reflect the separation requirements set forth by the County's Ordinance. Staff conducted nationwide research regarding the method in which other municipalities enforce separation requirements. Staff has not found any municipality that enforces separation or has objective criteria to determine if a facility is not separating. The City's franchisee waste haulers do not inspect recycling containers for contamination during pick-up. Rather, contamination is handled at the material recovery facility. It is not possible to determine at the material recovery facility from which specific customer the contamination originated. The Sustainability Committee has recommended that following an intensive educational period, enforcement efforts be focused on whether or not a recycling program is in place, rather than enforcement of the separation requirements. Separation requirements will be enforced only on a complaint driven basis. If the City receives a complaint regarding failure to separate garbage from the recycling, non-compliance will be ascertained by visually determining if 10% of the material on the top of the recycling bin is considered non-recyclable. The City Administration does not recommend that the solid waste containers be inspected.

FINANCIAL IMPACT

Charter section 5.02 requires that the "City of Miami Beach shall consider the long-term economic impact (at least 5 years) of proposed legislative actions." Staff has determined that there will be a fiscal impact on the City's budget by enacting the proposed ordinance.

The implementation of the proposed recycling ordinance would require additional staffing. It is projected that recurring annual operating costs for the City to implement the proposed ordinance are to be approximately \$67,500. This includes salaries and fringe benefits associated with one (1) full-time staff and one (1) part-time staff. This estimate does not include one-time costs such as the purchase of computers, vehicles, and office furniture, which are estimated to be in the range of \$36,800, for a total first year implementation cost of approximately \$104,000. Attachment B outlines the projections for staffing and operating costs. The proposed new positions will be submitted for approval through the FY 2012/13 budget process.

The benefit of the City creating a separate ordinance from the County would be to enforce recycling program requirements with the goal to increase recycling rates and divert recyclables from the solid waste stream. The City can tailor the education and outreach specifically to the City's businesses and residents to improve compliance. Under the proposed ordinance the City would be responsible for identifying non-compliant facilities, conducting inspections, administering fines, and community outreach. After the first year of implementation, staff will have a better estimate if one (1) full-time and one (1) part-time staff are adequate to enforce the proposed ordinance.

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the Ordinance on Second Reading Public Hearing.

Attachments:

- A. Proposed Recycling Ordinance
- B. Recycling Ordinance Fiscal Analysis

JGG/FHB/JJF/RWS/ESW

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MIAMI BEACH

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

(CORRECTION TO THE MAY 24, 2012 NOTICE OF PUBLIC HEARINGS)

NOTICE IS HEREBY given that second readings and public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **WEDNESDAY, June 6, 2012** to consider the following:

10:15 a.m.

Board Member Qualifications And Categories

An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 118, "Administrative And Review Procedures," Article II, "Boards," Division 2, "Planning Board," Section 118-53, "Composition;" Division 3, "Design Review Board," Section 118-72, "Membership;" Division 4, "Historic Preservation Board," Section 118-103, "Membership;" And 118-104, "Appointment;" Division 5, "Board Of Adjustment," Section 118-131, "Membership," To Clarify The Qualifications And Categories Of Members To Be Appointed To The City's Land Use Boards

Inquiries may be directed to the Planning Department at (305) 673-7550.

10:25 a.m.

Ordinance Amending Chapter 90 Of The Miami Beach City Code, Entitled "Solid Waste," By Amending The Definitions In Article I, Entitled "In General," By Amending Section 90-2, Entitled "Definitions;" By Amending Article II, Entitled "Administration" By Amending The Penalties For Solid Waste Violations And To Provide Provisions And Penalties Relative To Recycling For Multifamily Residences And Commercial Establishments; By Creating Article V, To Be Entitled "Citywide Recycling Program For Multifamily Residences And Commercial Establishments," To Provide Provisions For Recycling Requirements And Enforcement, A Public Education Program, A Warning Period, An Enforcement Date, Requirements For Recycling Contractors, Penalties, And Special Master Appeal Procedures

Inquiries may be directed to the Public Works Department at (305) 673-7080.

10:30 a.m.

Ordinance Amending The Land Development Regulations Of The City Code, Chapter 118, "Administration And Review Procedures," By Creating A New Article XII, "Maintenance And Security Bonds," Establishing Definitions And Requirements For Property Owners Applying For Development Review Approval For Substantial Construction Work To Ensure That Their Properties Are Properly Maintained And Secured Until Completion Of Work

Inquiries may be directed to the Planning Department at (305) 673-7550.

10:35 a.m.

Ordinance Amending Chapter 70 Of The Miami Beach City Code Entitled "Miscellaneous Offenses," By Amending Article II, Entitled "Public Places;" By Amending Division II, Entitled "Bicycling; Skateboarding, Roller Skating, In-Line Skating, And Motorized Means Of Transportation," By Amending Section 70-66, Entitled "Definitions," By Adding A Definition For Bicycle Path; And By Amending Section 70-67, Entitled "Prohibited Activities," By Amending The Prohibitions Regarding Motorized Means Of Transportation, Including Electric Personal Assistive Devices (Also Known As Segways), By Rewording The Provisions Therein And Conforming The Language To State Law; By Restricting The Speed Of Electric Personal Assistive Devices To Six (6) MPH On All City Sidewalks, Sidewalk Areas, And Bicycle Paths; And By Prohibiting The Operation Of Electronic Personal Assistive Mobility Devices On Interior Pathways Within South Pointe Park And Collins Park; By Amending Section 70-68, Entitled "Exemptions," By Exempting The Use Of Electric Personal Assistive Mobility Devices By City Police And City Contracted Services From The Restrictions Of Division II; By Amending Section 70-69, Entitled "Responsibilities Of Bicyclists And Skaters," By Adding Responsibilities For Persons Operating Electric Personal Assistive Mobility Devices; By Amending Section 70-70, Entitled "Penalties," To Provide For Responsibilities Of Businesses Providing Rentals And Tours Of Electric Personal Assistive Mobility Devices; By Creating Section 70-71, To Be Entitled "Penalties" To Provide Civil Penalties In Addition To Existing-Non-Criminal Infraction Penalties For The Violation Of Certain Provisions In Chapter 70, Article II, Division II

Inquiries may be directed to the Public Works Department at (305) 673-7080

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, and Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Rafael E. Granado, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

Ad #707



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

Attachment B

April 3, 2013

RE: City of Miami Beach Mandatory Recycling Program Ordinance
Courtesy Warning

Dear Property Owner / Business Owner:

On June 6, 2012, the City Commission adopted Ordinance No. 2012-3768 mandating that all commercial establishments and multifamily residences with more than nine (9) units, implement a single-stream recycling collection program by July 1, 2013. Between January 1, 2013 and June 30, 2013, the City will be issuing warning tickets to properties found not to be in compliance with the new provisions in the Miami Beach City Code. **Beginning July 1, 2013, the new Recycling Ordinance will be enforced and penalties may be imposed as provided in Sections 90-345 and 90-346 of the City Code:**

- First offense: \$350.00
- Second offense: \$500.00
- Third offense: \$1,000.00
- Fourth or subsequent offense: \$5,000.00

Please contact your licensed waste hauler or a licensed recycling provider to set up a single-stream recycling collection program that meets the needs of your property. Additional costs associated with adding recycling service can often be offset by reducing the size of your solid waste container and/or the frequency of solid waste service.

Per the ordinance, the waste hauling contractors have identified properties that do not have a recycling program in place or have allowed the recycling program to lapse or expire with their company. According to the list provided by the haulers, your property may not have a single-stream recycling program in place, and as of July 1, 2013, fines defined in Sections 90-345 and/or 90-346 of the City Code may begin accruing. Thus, we are hereby advising you that you must take corrective action by or before July 1, 2013 and provide the City with the name of your recycling provider. **To verify that you are in compliance with the City's Code, please return the attached form. You may also submit the form electronically at www.miamibeachfl.gov/recycle.**

The City offers free support services and resources to help condominiums and businesses establish a successful and cost effective recycling program. For more information, please visit: www.miamibeachfl.gov/recycle.

Should you have any questions regarding this process, please contact Ms. Elizabeth Wheaton, Environmental Resources Manager at (305) 673-7080.

Sincerely,

Robert Santos-Alborná
Code Compliance Division Director

Elizabeth Wheaton
Environmental Resources Manager

C: Jimmy L. Morales, City Manager
Jorge Gomez, Assistant City Manager
Jay Fink, Acting Public Works Director
Stephen Scott, Building Department Director
Hernan Cardeno, Esq., Code Compliance Commander



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

Mandatory Recycling Program Ordinance (No. 2012-3768)

Sec. 90-340 states that a recycling program and the separation of recyclable materials from the solid waste stream are *required* for multifamily residences of nine dwelling units or more.

Sec. 90-341 states that a recycling program and the separation of recyclable materials from the solid waste stream are *required* for commercial establishments.

Beginning July 1, 2013, the new Recycling Ordinance will be enforced and penalties may be imposed as provided in Sections 90-345 and 90-346 of the City Code:

- First offense: \$350.00
- Second offense: \$500.00
- Third offense: \$1,000.00
- Fourth or subsequent offense: \$5,000.00

To verify that you are in compliance with the City's Code, please return this form. You may also submit the form electronically at www.miamibeachfl.gov/recycle.

Waste Hauler: _____

Recycling Service Provider: _____

Customer Number: _____

Property Name: _____

Address: _____

Zip Code: _____

Property Contact: _____

Contact Phone Number: _____

Comments:

Remember: You can save paper and money by submitting the form electronically at www.miamibeachfl.gov/recycle.

Multi-Family Residences and Commercial Properties Without A Recycling Contract

December 2012

Total		Properties without Recycling		Waste Accounts	
Waste Hauler		Properties without Recycling		Waste Accounts	
	Choice		381		
	Waste Management		478		1406
	WSI		596		
	Choice/WSI subtotal		977		1580
	TOTAL		1455		2986
	Percentage of Properties without recycling				48.73%

April 2013

Total		Properties without Recycling		Waste Accounts	
Waste Hauler		Properties without Recycling		Waste Accounts	
	Waste Management		512		1385
	Choice/WSI		965		1572
	TOTAL		1477		2957
	Percentage of Properties without recycling				49.95%

Properties without Recycling	
Choice Environmental	
North Beach	151
Middle Beach	57
South Beach	278
TOTAL	486
Waste Management	
North Beach	101
Middle Beach	44
South Beach	333
TOTAL	478
WSI	
North Beach	197
Middle Beach	52
South Beach	347
TOTAL	596

Properties without Recycling	
Waste Management	
North Beach	130
Middle Beach	50
South Beach	332
TOTAL	512
Choice/WSI	
North Beach	343
Middle Beach	110
South Beach	512
TOTAL	965

Neighborhood Breakdown (WSI & WM)		
North	Middle	South
449	153	958

Neighborhood Breakdown (WSI & WM)		
North	Middle	South
473	160	844

Miami-Dade County

Multi-Family and Commercial Recycling Memorandum Of Understanding

I. PREAMBLE

This Memorandum of Understanding (MOU) memorializes an agreement reached between Miami-Dade County Public Works and Waste Management Department, and the municipality of the City of Miami Beach (City) hereafter referred to collectively as "the parties". The operational commitments delineated in this MOU become effective June 16, 2012, superseding the previous operational commitments set forth in the parties' Memorandum of Understanding that became effective September 1, 2009.

II. DEFINITIONS

Commercial establishment: Any structure used or constructed for use for business operations. For purposes of this MOU, hotels and motels are commercial establishments. The term "commercial establishment" shall not include any residential unit or multi-family residential establishment.

Department: The Miami-Dade County Public Works and Waste Management Department.

Modified recycling program: An operation, approved by the Department, which provides for the recycling of recyclable material by a method varying from the requirements of Section 15-2.2 or Section 15-2.3 of the Miami-Dade County Code (Code) as provided in section 15-2.4 of the Code. (All attached as Exhibit "A").

Multi-family residential establishment: Any structure other than a residential unit which is used, or constructed for use, as a multiple-dwelling facility. Multi-family residential establishments shall include without limitation, rooming house, tourist court, trailer park, bungalow court, apartment building with rental or cooperative apartments, or multiple story condominiums with common means of ingress and egress.

* A property of 4-units or more in the unincorporated area of Miami-Dade County is considered to be a multi-family residential establishment.

**A property of nine (9) dwelling units or more in the City is considered to be a multi-family residential establishment.

Recyclable material: Any material which is capable of being recycled and which, if not recycled, would be processed and disposed of as solid waste. The term "recyclable material" shall include green glass, brown glass and clear glass; aluminum and steel cans and scrap metal; plastic containers, mixed paper, newspaper, corrugated cardboard, office paper, and phonebooks. Any recyclable material mixed with solid waste shall be considered to be solid waste.

Recycling container: Receptacle used for recyclable material.

Recycling program: An operation which provides for the separate gathering, storage, collection and marketing of recyclable material.

Recycling services: Business activities related to the buying, selling, trading, marketing, transferring, separating, collecting or processing of recyclable material. Such service shall include the proper handling and disposal of any portion of collected recyclable material deemed unusable or unmarketable.

III. BACKGROUND AND SCOPE

Sec. 15-2.5. of the Code states that the provisions of Sections 15-2.2, 15-2.3 and 15-2.4, designated on the attachment (Exhibit "A"), shall apply to the incorporated and unincorporated areas, and shall be enforced by Miami-Dade County unless the County and the city agree, in writing, that the city shall enforce the County's ordinance within the municipality or that the city is operating a recycling program that meets the minimum standards. Any municipality may establish and enforce its own ordinance provided such ordinance is equivalent to or more stringent than the provisions of the County's ordinance.

This MOU provides several purposes, first, it fulfills the requirement of Section 15-2.5 of the Code, secondly, it improves communication between the parties, and thirdly, it establishes jurisdictional responsibility that will improve utilization of enforcement resources.

IV. TERM

This MOU is valid for an indefinite period of time between the parties. Any changes to the term of this agreement must be done with the mutual consent of the parties.

V. AMENDMENTS TO THE CODE

This MOU is based on the current Code of Miami-Dade County. Any future alteration, modification, or amendments to the Code shall be communicated in writing. Any municipality may establish and enforce its own ordinance provided such ordinance is equivalent to or more stringent than the provisions of this ordinance.

VII. ENFORCEMENT AGREEMENT AND EXECUTION OF MOU
(Select one of the following options.)

- a. The Municipality hereby agrees that the Department shall enforce the ordinance within its boundaries.

Municipality Designee (Initials): _____

Miami-Dade County Public Works and Waste Management Department
Designee (Initials): _____

- b. The Municipality shall enforce this ordinance within its boundaries.

Municipality Designee (Initials): _____

Miami-Dade County Public Works and Waste Management Department
Designee (Initials): _____

- c. The Municipality is operating a recycling program that meets the minimum standards.

Municipality Designee (Initials): JS

Miami-Dade County Public Works and Waste Management Department
Designee (Initials): JS

Wherefore the Parties have hereunto set their hands this 18th day of JUNE,
2012

Municipality: City of Miami Beach.

Print: JORGE M. GONZALEZ
Designee

Signature: [Signature]
Designee
Miami-Dade County Public Works and Waste Management Department

Date: 6-8-12

Print: PAUL MAURIELLO
Designee

Signature: [Signature]
Designee

Date: 6-18-12

Miami-Dade County

**Multi-Family and Commercial Recycling Memorandum Of
Understanding**

EXHIBIT

A

Sec. 15-2.2. Recycling programs required for multi-family residential establishments.

(a) No later than nine (9) months from the effective date of Ordinance Number 91-123, every multi-family residential establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include, at a minimum, the five (5) materials listed in Section 15-2.2 below.

Recyclable Materials: Multi-family

- (1) Newspaper
- (2) Glass (flint, emerald, amber)
- (3) Aluminum cans
- (4) Steel cans
- (5) Plastics (PETE, NDPE-natural, HDPE colored)

(b) The failure of a multi-family residential establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner(s) shall be liable, provided, however, that in the case of a condominium or cooperative apartment having a condominium association or cooperative apartment association, said association, rather than individual unit owners, shall be liable for any such violation.

(Ord. No. 91-123, § 4, 10-15-91)

Sec. 15-2.3. Recycling programs required for commercial establishments; joint and several liability.

(a) No later than nine (9) months from the effective date of Ordinance Number 91-123, every commercial establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include a minimum of three (3) materials of its choice selected from the list provided in Section 15-2.3 below.

Recyclable Materials: Commercial Establishments

- (1) High grade office paper
- (2) Mixed paper
- (3) Corrugated cardboard
- (4) Glass (flint, emerald, amber)
- (5) Aluminum (cans, scrap)
- (6) Steel (cans, scrap)

Chapter 15 SOLID WASTE MANAGEMENT*

- (7) Other metals/scrap production materials
- (8) Plastics (PETE, HDPE-natural, HDPE-colored)
- (9) Textiles
- (10) Wood

(b) The failure of a commercial establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable.

(Ord. No. 91-123, § 5, 10-15-91)

Sec. 15-2.4. Modified recycling programs allowed.

(a) Recycling programs which incorporate modifications, substitutions or reductions to the requirements of Sections 15-2.2 and 15-2.3 may be submitted to the Department for approval. Approval, rejection, or approval with conditions of the proposed modified recycling program shall be determined by the Department. The Department shall consider the following factors in evaluating the proposed modified recycling program:

- (1) Whether the establishment operates a recycling program, and is self-hauling the materials to a recyclable material vendor.
- (2) Whether the establishment generates a lesser number of recyclable materials than the required minimum.
- (3) Whether the establishment generates and recycles materials not listed in Section 15-2.2 or Section 15-2.3 hereof, as applicable.
- (4) Whether the establishment is contracting with a permitted private hauler for collection services, which services provide for a post-collection separation of recyclable material, and which:
 - (i) Generate recyclable materials which comply, in kind and quantity, with the recycling requirements provided for in Section 15-2.2 or Section 15-2.3 hereof, as applicable; and
 - (ii) Utilize a materials separation facility which is permitted in accordance with all applicable federal, State and local laws.

(b) Any person seeking approval of a modified recycling program shall submit an application in such form as is prescribed by the Department. All modified recycling programs shall be reviewed on a semiannual basis and applicants shall be required to confirm or revise the information contained in their applications at that time.

An application for approval of a modified recycling program shall include, but not be limited to, the following documentation, as appropriate to the specific application:

- (1) Supporting documentation to evidence self-haul activities, which shall include proof of source-separation activities and copies of receipts from recyclable material purchasers.
- (2) A waste composition study of the waste generated by the applicant, which shall cover a representative time period of no shorter than one (1) week.
- (3) A copy of the applicable contract with a post-collection separation facility, specifying materials and volumes recycled which are attributable to the applicant.

(Ord. No. 91-123, § 6, 10-15-91)

Sec. 15-2.5. Applicability.

The provisions of Sections 15-2.2, 15-2.3 and 15-2.4 shall apply to the incorporated and unincorporated areas, and shall be enforced by Miami-Dade County unless the County and the city agree, in writing, that the city shall enforce this ordinance within the municipality or that the city is operating a recycling program that meets the minimum standards. Any municipality may establish and enforce its own ordinance provided such ordinance is equivalent to or more stringent than the provisions of this ordinance.

(Ord. No. 91-123, § 7, 10-15-91)

**Neighborhood/Community Affairs Committee Meeting
June 26, 2013**

Discuss An Amendment To The Special Event Requirements And Guidelines To Include Recycling Requirements For All Special Events That Require A Sanitation Plan.

Item C4E, June 5, 2013

(Requested by Commissioner Libbin)

Max Sklar, Tourism and Cultural Development Director

ITEM #9



COMMITTEE MEMORANDUM

TO: Neighborhoods / Community Affairs Committee

FROM: Jimmy L. Morales, City Manager 

DATE: June 26, 2013

SUBJECT: **DISCUSSION REGARDING AN AMENDMENT TO THE SPECIAL EVENTS REQUIREMENTS AND GUIDELINES TO INCLUDE RECYCLING REQUIREMENTS FOR EVENTS THAT REQUIRE A SANITATION PLAN**

At the June 5, 2013 Commission Meeting, a discussion regarding amending the Special Event Requirements and Guidelines to include recycling requirements for all special events that require a sanitation plan was referred to the Neighborhood / Community Affairs Committee (NCAC) by Commissioner Jerry Libbin.

BACKGROUND

On May 21, 2013, the Sustainability Committee recommended that the City's Special Event Requirements and Guidelines be amended to include recycling requirements for all special events that require a sanitation plan. At the June 5, 2013 Commission Meeting, this item was referred to the NCAC for discussion.

Currently, special events are responsible for providing sanitation services necessary to meet the needs of their events. Special events that contract the City's Sanitation Division for sanitation services already receive recycling services as part of their sanitation package. However, events that do not use City sanitation services are not required to provide recycling. On November 8, 2012, a public meeting was held to gain feedback from event producers regarding adding recycling requirements. The event producers at this meeting were in support of this initiative.

The special event application process requires that a sanitation plan be provided that is reviewed and approved by the Public Works, Sanitation Division. The proposed amendment to the Special Event Requirements and Guidelines will require that special events submit and carry out a sanitation plan that incorporates single-stream recycling. Please find attached the recommended changes to the Special Event Requirements and Guidelines.

CONCLUSION

The above information is provided for discussion by members of the Neighborhoods / Community Affairs Committee.

Attachments: Special Event Recycling Guidelines Proposed Amendments



MT/ETC/JJF/RWS/ESW/MKW

\\miamibeach.gov\\files\\WORK\\\$ALL\\(1) EMPLOYEE FOLDERS\\BETSY WHEATON\\NCAC\\Special Event Recycling NCAC Memo.doc

K. Sanitation Department

Applicants shall be solely responsible for cleaning the area during and after the event. Should the applicant choose, the City will provide personnel for this function. The cost of the clean-up will be calculated by the City, and will include dumping fees and equipment rental. Should an alternate cleaning service be contracted, the applicant shall be responsible for obtaining all necessary dumpsters, including separate dumpsters for single-stream recyclables. All arrangements and removal of garbage, trash, recyclables, and other debris are the sole responsibility of the applicant. A City permit authorizing placement of dumpsters must be obtained through the City's Sanitation Department, and submitted to the Special Events Office no less than two (2) weeks prior to the event. Applicants are required to meet sanitation standards to assure an adequate number of litter and recycling containers are on-site, and must encourage guests to comply with the City of Miami Beach's anti-litter efforts. At minimum, one recycling container is required per designated trash collection area. Glass containers and plastic straws are prohibited. ~~Recycling efforts are encouraged~~. Applicants shall ensure that the event site is returned to its original condition within twenty-four hours. Failure to clean up after the event will result in a fine (as per Section III herein) issued to the event producer, as well as additional charges for City services.

Applicants seeking use of public restroom facilities outside of standard operating hours may also be required to hire attendants to facilitate public restroom maintenance and supplies during the event. These services may be contracted through the Public Works Department. Proof of payment must be submitted to the Special Events Office at least two (2) weeks prior to the event.

V. OTHER AGENCIES

A. The Miami Beach Visitors and Convention Authority (VCA) and Cultural Arts Council (CAC)

The City of Miami Beach does not directly fund special and cultural events. The VCA and CAC utilize City funds for the purpose of special and cultural event funding. Approval of an application for funding by either the VCA and/or the CAC shall not constitute either expressed or implied approval of a special event permit by the City of Miami Beach. Should the VCA or CAC fund an event, the appropriate logo shall be incorporated in all event print advertising or promotional materials, as per the funding terms and conditions of the VCA and / or the CAC.

B. Miami-Dade County

- **Permit for Temporary Food Sales** - The Miami-Dade County Department of Business and Professional Regulations, Division of Hotels & Restaurants, sets forth rules and regulations for safe operation of temporary food service establishments. To obtain the necessary permits, sponsors or applicants must notify the Department of Business and Professional Regulations no later than three (3) business days prior to the event. A license fee for a 1-3 day event is \$40.00 per vendor.
- **Beach Cleaning** - Applicants desiring use of the public beach must arrange for the cleaning of the beach, prior to, as well as after, the event, as necessary. Beach cleaning may be arranged with the Miami-Dade County Parks Department or a private sanitation company approved by the Miami-Dade County Parks Department. Proof that clean-up arrangements have been made must be submitted in writing to the Special Events Office at least two (2) weeks prior to the event.

C. State of Florida

- **Department of Environmental Protection, Division of Beaches and Shores** -- If an event is to be held on the beach, a State Field Permit is also necessary for all temporary non-portable structures on the beach, east of the Coastal Construction Control Line. This would include, but not be limited to, the following types of temporary structures: stages, fences, tents, lighting and sound systems. A detailed site plan and written narrative description of all installations must be submitted

Neighborhood/Community Affairs Committee Meeting
June 26, 2013

Discuss An Amendment To The Energy Economic Zone Ordinance To Include Miami-Dade County's Green Business Certification Program As An Eligibility Criteria To Receive The EcoZone Program Tax Incentives.

Item C4F, June 5, 2013

(Requested by Commissioner Libbin)

Max Sklar, Tourism and Cultural Development Director

ITEM #10



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Neighborhood and Community Affairs Committee

FROM: Jimmy L Morales, City Manager

DATE: June 26, 2013

SUBJECT: **DISCUSSION REGARDING AN AMENDMENT TO THE CITY'S ENERGY ECONOMIC ZONE ORDINANCE TO INCLUDE MIAMI-DADE COUNTY'S GREEN BUSINESS CERTIFICATION PROGRAM AS AN ELIGIBILITY CRITERIA TO RECEIVE THE ECOZONE PROGRAM TAX INCENTIVES.**

BACKGROUND

In 2009, the Florida Legislature created the Energy Economic Zone pilot program Chapter 2009-89, Laws of Florida (House Bill 5013, 2009) for the purpose of developing a model to help communities cultivate green economic development, encourage renewable electric energy generation, manufacture products that contribute to energy conservation and green jobs, and other activities related to energy efficiency and land use planning.

The Florida Department of Community Affairs designated the City of Miami Beach and Sarasota County as the "Energy Economic Zone Pilot Program Communities." The City of Miami Beach was specifically designated as the "Urban Service Area: City Redevelopment Program" model. Intended to provide a model for the development of energy-efficient land use patterns, the program models include strategies to reduce greenhouse gas emissions, cultivate green economic development, encourage renewable electric energy generation, and promote product manufacturing that contribute to energy conservation and green jobs. Once designated, a community receives technical assistance from the Department of Economic Opportunity, Division of Strategic Business Development (formerly the Office of Tourism, Trade and Economic Development), the Office of Energy (formerly the Governor's Office of Energy and Climate Change) and the Florida Department of Transportation. The intended result is a series of program models that could serve as a model for Florida's communities.

Through the application process, the City designated the entire municipality as the Energy Economic Zone. With a land area of seven square miles and a 2008 population estimate of 94,040 persons, this densely populated urban area averages about 13,400 people per square mile. As a compact metropolitan locale, the city lends itself to urban design served by a highly connected street and trail system designed for multiple modes of transportation. In addition, opportunities emerge to provide for more efficient use and reuse of infrastructure.

One of the main reasons that the City of Miami Beach was designated was due to the comprehensive efforts to create and implement the Sustainability Plan and its associated initiatives. The Sustainability Plan also serves as the Energy Economic Zone Work Plan.

2011 LEGISLATION

In 2011, the legislature passed, and the Governor signed, additional legislation for the EEZ pilot programs regarding incentives (Chapter 2011-223, Laws of Florida (House Bill 879,

2011). Under that law, Miami Beach must adopt an ordinance establishing an EEZ incentive program that provides, at a minimum, the following:

- Boundaries of the Energy Economic Zone, with a provision allowing a change in boundaries by ordinance amendment;
- Energy-efficiency standards; and
- Eligibility criteria for applicants seeking state and local incentives within the EEZ.

House Bill 879 provides that a governing authority (Miami Beach) with jurisdiction over an Energy Economic Zone may provide no more than \$300,000 in incentives in any state fiscal year. If the \$300,000 incentive cap is not fully used, the unused amount may be carried forward for no more than five (5) years.

STATE TAX INCENTIVES

The State of Florida incentives provided by the EcoZone ordinance became available on July 1, 2012, and include the following tax incentives:

- Provides a refund for sales taxes paid on the purchase of certain building materials, up to \$5,000 or 97 percent of the tax paid. For projects where at least 20 percent of the employees live in the enterprise zone, the refund is the lesser of \$10,000 or 97 percent of the tax paid.
- Provides a refund for sales taxes paid on the purchase of certain equipment, up to \$5,000 or 97 percent of the tax paid. For projects where at least 20 percent of the employees live in the enterprise zone, the refund is the lesser of \$10,000 or 97 percent of the tax paid.
- Provides a sales and use tax credit for up to 30 percent of wages paid to new employees who live within the enterprise zone.
- Provides a refund for sales taxes paid on the purchase of certain business property, up to \$5,000 or 97 percent of the tax paid per parcel of property, which is used exclusively in an enterprise zone for at least 3 years.
- Provides 50 percent sales tax refund for donations made to local community development projects.
- Provides 50 percent sales tax exemption to qualified businesses located within an enterprise zone on the purchase of electrical energy.

Available state corporate income tax incentives for enterprise zones include:

- Provides a corporate income tax credit for up to 30 percent of wages paid to new employees who live within the enterprise zone.
- Provides a credit against Florida corporate income tax equal to 96 percent of ad valorem taxes paid on the new or improved property.
- Provides a 50-percent credit on Florida corporate income tax or insurance premium tax, or a sales tax refund, for donations made to local community development projects.

EcoZone ORDINANCE

The City's existing EcoZone ordinance which was passed and adopted on 3/26/12 is intended to keep the program simple and minimize the resources needed for implementation and administration of the program; to keep administration of the program efficient; and to make the program friendly and not burdensome for the applicants. To this end, the determination of whether or not a business has met certain thresholds of energy efficiency and sustainability is determined by their participation in already established programs. Currently the following businesses are eligible for the incentives approved by the State of Florida:

- LEED certified projects;
- Green Lodging Establishments designated by the Florida Department of Environmental Protection; or
- Businesses which achieve an ENERGY STAR Rating of 50 or higher in each of the buildings that are the subject of the Energy Economic Development Zone application and attach to the application a report from the ENERGY STAR Portfolio Manager program verifying the ENERGY STAR rating.

The EcoZone ordinance provides for approval and revision of the Program Guidelines by Resolution, and further recommends that the Sustainability Committee review the Energy Economic Zone program within six (6) months of adoption and annually thereafter to determine if any revisions should be recommended to the City Commission.

As part of the Sustainability Committee's ongoing review process of the EcoZone program during its 4/15/2013 and 5/21/13 meetings, the committee approved incorporating Miami-Dade's Green Business Certification as an additional eligibility criteria to receive incentives in the EcoZone program. This amendment (reviewed and approved by the legal department) has the potential to help facilitate not only the expansion of the pilot EcoZone program into the rest of Miami-Dade county, but also the initial processing of EcoZone applications by the county's Sustainability Office, as the incentives are exactly the same as those currently being processed by the County for the Enterprise Zone.

Miami-Dade's Green Business Certification program assists businesses reduce their operating costs and decrease their carbon footprint by implementing proven sustainable/green practices such as water/energy conservation and waste reduction. The participation is free, however the business must be: in compliance with all applicable regulations, a valid Florida Corporation/Miami-Dade County business, have a valid occupational license and must obtain a minimum score on the program's checklist. The businesses complete an online self-audit worksheet, are interviewed after attaining a minimum score, and then undergo a verification inspection which includes follow up inspections to confirm compliance. Since the inception of the program, 672 businesses have applied and been reviewed, with 15 businesses including 4 hotels being certified.

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the revised Ordinance to include Miami-Dade County's Green Business Certification Program as an eligibility criteria to receive the EcoZone Program tax incentives.

JLM/KGB/MAS/GPH

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Sec 100-22 Definitions.

The following words terms and phrases when used in this article shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning or as may be amended from time to time.

City Commission means the Miami Beach City Commission.

Clean Technology Sector Business means a business that produces products services and processes that harness renewable materials and energy sources dramatically reduce the use of natural resources and cut or eliminate emissions and wastes.

Green Business means a business that is managed to minimize adverse environmental impacts regardless of the product or services the business offers or a business that has been designated as a Green Business by Miami-Dade County's Green Business Certification Program.

Green Lodging Establishment means a hotel that has been designated as a Green Lodging Establishment by the Florida Department of Environmental Protection.

LEED means the Leadership in Environmental and Energy Design program administered by the United States Green Building Council.

Sec 100-24. Eligibility Criteria.

In order for a business within the City of Miami Beach to be eligible to apply for an Energy Economic Development Zone incentive it must satisfy the following criteria:

- (a) The business is located within the boundaries of the Energy Economic Development Zone as defined in Section 100-23 and
- (b) The business is or becomes either a Clean Technology Sector Business or a Green Business as both are defined in Section 100-22 and meets or exceeds the Energy Efficiency Standards set forth in Section 100-25 or
- (c) The business is or becomes LEED certified or
- (d) The business is or becomes a Green Lodging Establishment as defined in Section 100-22.

Sec 100-25 Energy Efficiency Standards

A business within the City of Miami Beach applying for an Energy Economic Development Zone incentive must meet one of the following standards:

- (a) The business must achieve an ENERGY STAR Rating of 50 or higher in each of the buildings that are the subject of the Energy Economic Development Zone application and attach to the application a report from the ENERGY STAR Portfolio Manager Program verifying the ENERGY STAR rating or
- (b) The business must achieve the energy efficiency standards of one of the following Programs:
 - (i) the Green Lodging Program administered by the Florida Department of Environmental Protection; or
 - (ii) the Leadership in Environmental and Energy Design Program administered by the U S Green Building Council; or
 - (iii) the Green Business Certification Program, administered by Miami-Dade County.

Neighborhood/Community Affairs Committee Meeting
June 26, 2013

**Report From City Staff On The Traffic Calming And School Zone Expansion Initiative
For 41st Street Between Meridian Avenue And Garden Avenue To Improve School
Safety At Nautilus Middle School.**

Item C4H, June 5, 2013

(Requested by Mayor Matti Herrera Bower)

Eric Carpenter, Public Works Director

ITEM #11



COMMITTEE MEMORANDUM

TO: Neighborhoods/Community Affairs Committee

FROM: Jimmy L. Morales, City Manager

DATE: June 26, 2013

SUBJECT: **A REPORT FROM CITY STAFF ON THE TRAFFIC CALMING AND SCHOOL ZONE EXPANSION INITIATIVE FOR 41ST STREET BETWEEN MERIDIAN AVENUE AND GARDEN AVENUE TO IMPROVE SCHOOL SAFETY AT NAUTILUS MIDDLE SCHOOL**

This item was referred to the Neighborhoods/Community Affairs Committee for discussion by Commissioner Michael Gongora at the City Commission meeting on June 5, 2013.

BACKGROUND

Pursuant to motions passed by the Committee for Quality Education (QEC) in 2012 regarding concerns with the safety of students from Nautilus Middle School crossing 41st Street, City staff requested that the Florida Department of Transportation (FDOT) conduct a signal warrant analysis to determine if a new signal is warranted at the intersection of Jefferson Avenue and 41st Street.

A traffic signal warrant analysis was conducted by FDOT District Six Traffic Operations/Safety Office in 2012 in compliance with the Manual on Uniform Traffic Control Devices (MUTCD). Based on data collection and observations during school pick-up/drop-off periods, the study concluded that a traffic signal is not warranted at the intersection of 41st Street and Jefferson Avenue as the intersection failed to meet the following criteria:

- **Signal proximity** - there are numerous existing signals along 41st Street, including one at Garden Avenue in close proximity to Jefferson Avenue. As such, the minimum required distance between signalized intersections (300 feet) would not be met if a new signal is added at Jefferson Avenue.
- **Pedestrian Volume** – Pedestrian counts were conducted during peak times of school activity. The number of pedestrians crossing at and in close proximity to Jefferson Avenue did not meet minimum thresholds established by MUTCD for a new signal at Jefferson Avenue.
- **Accident Volume** – an analysis of recent crash history concluded that vehicular and pedestrian crash volumes did not meet the minimum thresholds established by MUTCD for a new signal at Jefferson Avenue.

Further, the traffic signal warrant study identified some challenges with the existing geometry of the Jefferson Avenue/41st Street intersection. Due to the location of the Burger King drive-through on the south side of the intersection, a new signal at Jefferson Avenue would need to

be fully-actuated, or triggered, whenever a vehicle wishes to exit the Burger King drive-through. Due to the high level of activity that occurs at this drive-through, the signal would be triggered frequently and thereby cause excessive delays and interruptions to the flow of traffic on 41st Street. Conversely, if the signal were not fully-actuated, there would likely be a significant back-up into the Burger King drive-through lane.

The FDOT study encouraged the use of crossing guards or Police to assist students crossing at Jefferson Avenue. The study further recommended that an educational campaign be deployed to instruct children on safe crossing techniques and to encourage students to cross at the signalized intersection at Garden Avenue.

Based on the results of the FDOT traffic signal warrant study, the QEC passed a motion at its February 28, 2012 meeting requesting FDOT consider relocating the traffic signal at Garden Avenue to Jefferson Avenue in lieu of a new signal at Jefferson Avenue. This request was rejected by FDOT based on the proximity of Jefferson Avenue to Meridian Avenue, the limited visibility along 41st Street due to the horizontal curve at Meridian Avenue, and therefore, the reduced reaction time for motorists traveling westbound on 41st Street to safely stop for pedestrians crossing at Jefferson Avenue. FDOT District Six Traffic Operations Safety Office shared the supplemental traffic analysis with FDOT Central Office (Tallahassee) for consideration and Central Office agreed with the District's study findings and recommendations.

At the meeting of May 22, 2012, the QEC passed a motion requesting the Mayor and Commission strongly advocate for the moving of the underutilized traffic light on Garden Avenue to the unprotected Jefferson Avenue intersection. Further, the motion requested that the Mayor and Commissioner immediately contact Senator Gwen Margolis and Dr. Martin Karp to strongly advocate for the movement of the traffic light to Jefferson Avenue.

As an interim safety measure, a City of Miami Beach Police officer was assigned to the area of 41st Street and Jefferson Avenue during the last two weeks of the 2012/13 school year to assist and monitor Nautilus Middle School students with crossing 41st Street.

ANALYSIS

As a result of several meetings with FDOT on this matter and the QEC motions requesting a resolution to the Committee's outstanding concerns with the safety of Nautilus Middle School students crossing 41st Street, FDOT conducted a comprehensive corridor safety study to evaluate the safety of pedestrians and motorists along the 41st Street corridor from Alton Road to west of Pine Tree Drive. The draft report was made available to the City in June 2013 for review. The study evaluated each intersection along the corridor, including the intersection of 41st Street and Jefferson Avenue, in particular. The study evaluated all types of crashes along the corridor from 2008 – 2010. The study did not evaluate an expansion of the North Beach Elementary school zone to include Nautilus Middle School.

In general, the FDOT safety report recommended the construction of a concrete median with some landscape features from Alton Road to Sheridan Avenue, additional school crossing signage, signalization improvements, and landscaping features to discourage mid-block crossings (jaywalking). The proposed median on 41st Street would prohibit the eastbound to northbound left turn movement at the intersection of 41st Street and Jefferson Avenue.

The report recommended the following safety improvements for the intersection of 41st Street and Jefferson Avenue:

- Installation of a pedestrian-scale fence either along the proposed median or within the existing landscaped area between the south sidewalk and the curb (in front of the Burger King).
- Providing high density landscape along 41st Street between Garden Avenue and east of Jefferson Avenue between the sidewalk and back of curb to physically restrict mid-block crossings.
- Installation of signs directing pedestrians to use crosswalks.
- Trimming landscaping on the south side of the roadway for better visibility exiting driveways.
- Installation of 'Do Not Enter' signs facing southbound on Jefferson Avenue.
- Improvement of street name signs

Currently, the FDOT draft safety study is being reviewed by the City of Miami Beach, Miami-Dade County, and the Miami-Dade County School Board. Following the review/comment period, FDOT District 6 will finalize the safety study and forward to FDOT Central Office in Tallahassee for its review and concurrence, particularly if any funding sources are necessary to implement the study recommendations.

RECOMMENDATION

While City staff continues to work with FDOT in regards to the recommended safety improvements for the 41st Street corridor, and, in particular, the intersection of Jefferson Avenue and 41st Street, the Administration will work with the Miami-Dade County Public Works and Waste Management Department and the Miami-Dade County School Board to request an evaluation of the extension of the school zone on 41st Street to include Nautilus Middle School. The Administration will consult with the County and report back to the NCAC regarding the County's findings and recommendations.

It is important to note that a key outcome of the Education Compact signed in 2008 between the City of Miami Beach and Miami-Dade County School Board is to improve the safety and perception of safety in public schools in the City of Miami Beach. As such, as an interim safety measure for the upcoming 2013/14 school year, the Administration recommends that City of Miami Beach Police Department, Miami-Dade County School Police Department, and the Nautilus Middle School administration collaboratively participate in making recommendations as to how to effectively deter Nautilus Middle School students from crossing at unsignalized mid-block locations, including discouraging students arriving before 9:00 AM from leaving the school premises. The Administration will report back to NCAC regarding the outcome of this collaborative effort.

The above information is presented to the members of the NCAC for discussion and further direction.

Attachment: FDOT Safety Study for 41st from Alton Road to West of Pine Tree Drive.


KGB/ETC/JRG

F:\WORK\ALL\1) EMPLOYEE FOLDERS\JOSE GONZALEZ\NCAC - Report on 41st Street_Nautilus Middle School Zone .docx



Safety Study 2009 High Crash List

District Six Traffic Operations District-Wide Traffic Operations & Safety Studies

**FM: 249796-3-32-01
Contract No. C- 9341**

Task Work Order No. 26

**Study Location:
Section 87016/SR 112/Arthur Godfrey Road / 41 Street from
SR 907/Alton Road to West of Pine Tree Drive
(MP 0.000 to 0.585)**

**THIS DOCUMENT CONTAINS EXCERPTS FROM THE
DRAFT SAFETY STUDY FOR REVIEW**



**FDOT Project Manager: Miguel Caldera
P&A Project Manager: Carlos Francis, P.E., PTOE
May 2013**



1.0 EXECUTIVE SUMMARY

C. H. Perez & Associates Consulting Engineers, Inc (P&A) was retained by the Florida Department of Transportation (FDOT) District Six Office to revise a draft safety study performed for SR 112/41 Street from SR 907/Alton Road to Prairie Avenue in Miami-Dade County. The safety study was performed by P&A and dated January 2012, and was subsequent to a review of the 2009 High Crash List Locations. The new effort will entail an extension of the eastern limit of the study and updating crash analysis and collision diagrams. The new study limits are SR 112/41 Street from SR 907/Alton Road (MP 0.000) to West of Pine Tree Drive (MP 0.585). This report evaluates the following for the study location:

- Existing Conditions
- Crash Analysis
- Field Observations
- Proposed Improvements
- Benefit/Cost Analysis
- Recommendations and Conclusions

Based on a review of the crash data for the period of 2008 through 2010, the following is stated: There were a total of 307 crashes along the study segment for the three-year period of 2008 through 2010.

- Based on crash severity, of the 307 crashes reported, 53 (17.3%) were injury-type crashes and 253 (82.4%) were property damage only crashes.
- There was one fatal crash reported, which was described as a bicycle collision at the intersection of SR 112/41 Street and Chase Avenue in 2009.
- There were 11 (3.6%) pedestrian crashes and 5 (1.6%) bicycle crash.
- The leading crash types were determined to be rear-end at 49.5% (152 crashes), sideswipe at 17.9% (55 crashes), 'collision with parked-car' at 8% (24 crashes), left-turn at 7% (20 crashes), and angle at 4.9% (15 crashes).

Based on the safety and operational deficiencies identified by this study, the following conceptual improvements that include additional signage for pedestrians up to more complex changes such as building raised medians along the study segment are recommended to the Department:

- Install back-plates for all approaches at all signalized intersections. Provide reflective



SAFETY STUDY

May 2013

tape around the back-plates facing the eastbound approach at SR 907/Alton Road.

- Install additional signal heads for eastbound and westbound approaches at SR 907/Alton Road and for eastbound approach at Meridian Avenue, Chase Avenue and Prairie Avenue.
- Trim landscaping limiting the visibility to signal heads and signs along SR 112/41 Street.
- Eliminate two parking spots on SR 112/Arthur Godfrey westbound approach between SR 907/Alton Road and the midblock crossing located just west of Gardens Avenue.
- Improve pedestrian features at all signalized intersections. Replace the existing 'NO TURN ON RED WHEN PEDESTRIANS IN CROSSWALKS' signs with R10-15 facing all approaches at all signalized intersections. Refurbish crosswalk markings at all signalized intersections and at signalized midblock crossing locations. Improve pedestrian signal head locations. Realign south leg crosswalk at SR 907/Alton Road. Install rail with no pedestrian crossing signs (R9-3A & R9-3B) at Burger King Restaurant.
- Install 'Do Not Block Intersection' R10-7 signs facing eastbound and westbound approaches at all signalized intersections except for SR 907/Alton Road.
- Provide 5-section signal head with flashing yellow left-turn arrow facing eastbound traffic, and provide eastbound/westbound left-turn guidelines at SR 907/Alton Road.
- Relocate westbound far side bus shelter into bus bay area,
- Remove existing bus shelter for westbound traffic (between Chase Avenue and Prairie Avenue) and install a smaller bus shelter into the bus area.
- Relocate school crossing sign closer to northbound stop bar at Prairie Avenue.
- Install programmed lenses on eastbound mast-arm of mid-block pedestrian signal between Prairie Avenue and Royal Palm Avenue.
- Build a landscaped (shrubbery) raised median/traffic separator from Alton Road to Sheridan Avenue and increase left-turn length storage.
- Provide landscape (shrubbery) (along SR 112/41 Street between Garden Avenue and East of Jefferson Avenue) between the sidewalk and the back of the curb.
- Provide 'BUS Only' Pavement Markings on the bus bays.

The improvements have been detailed and graphically depicted in Section 4.2 and Figure 18.

Notes:



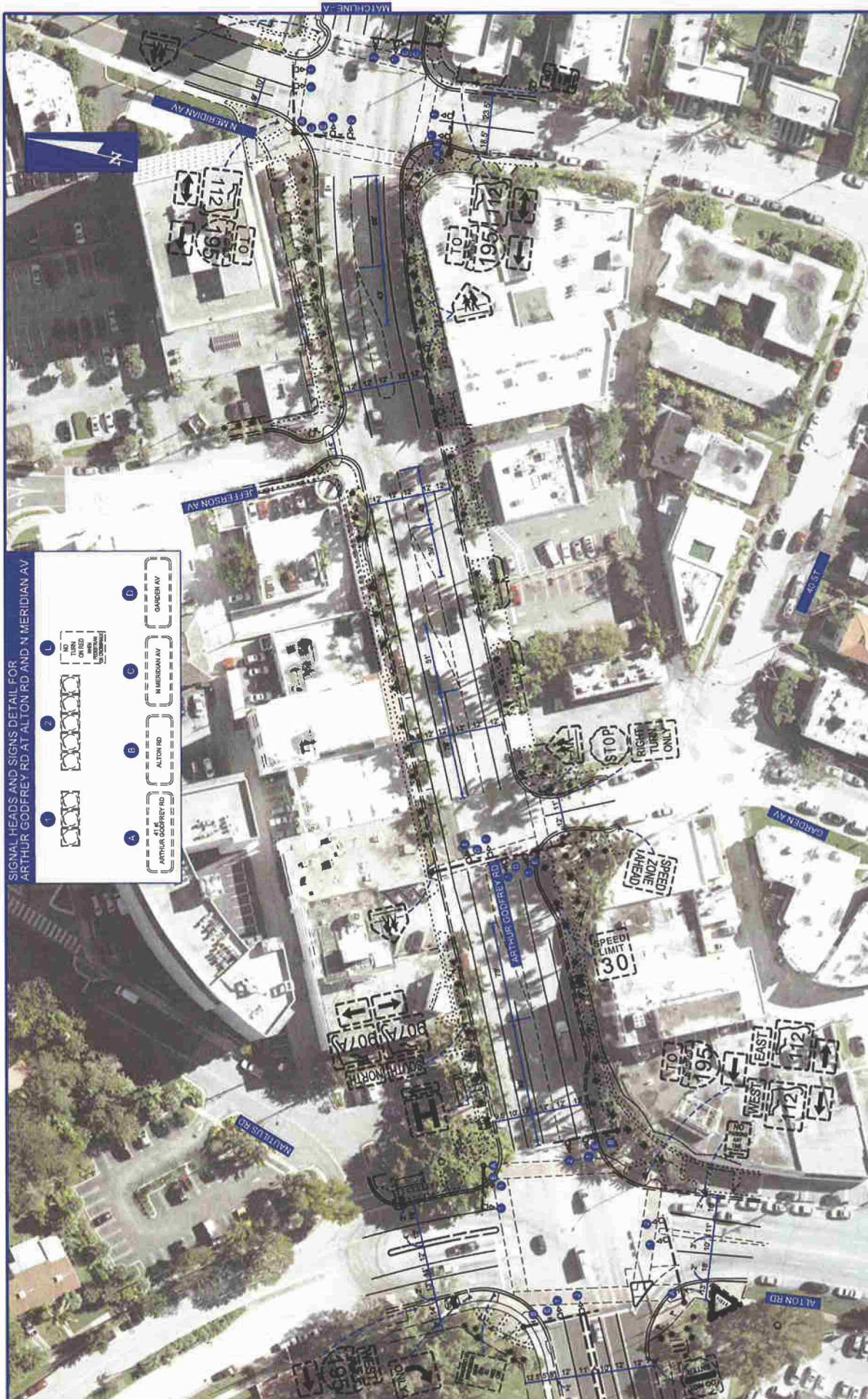
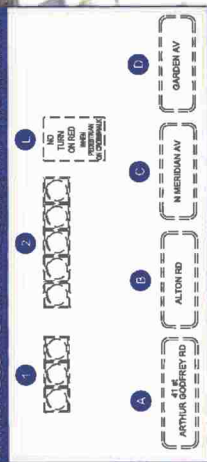
SAFETY STUDY

May 2013

- *It is understood that the installation of back-plates, additional signal heads, and 'Do Not Block Intersection' and R10-15 sign panels on mast-arms facing eastbound and westbound approaches will require the structural analysis of the mast-arms to determine if the existing structures can withstand the additional dead load and wind load. We have assumed the replacement of the existing mast-arms facing eastbound and westbound approaches at all intersections; however, if the analysis finds that the existing mast-arms facing northbound and southbound at any of the intersections need to be replaced, the recommendation to provide back-plates, and 'Do Not Block Intersection' and R10-15 sign panels on the mast-arms facing northbound and southbound would no longer be considered cost efficient and therefore should be discarded.*
- *It is understood that building a raised median/concrete separator on the bridge deck between Meridian Avenue and Chase Avenue will require the structural analysis to determine if the existing structure can withstand the additional dead load.*
- *The study segment falls within the limits of the FDOT project 419824-1-52-01 (from SR 907/Alton Road to SR A1A/Collins Avenue) which includes the following improvements:*
 - *Milling & resurfacing*
 - *Cross slope correction*
 - *Signs/Markings*
 - *ADA improvements*
 - *Countdown pedestrian signal Heads*
 - *Stamped asphalt crosswalks*
 - *Spot reconstruction areas*
 - *Safety improvements at Pine Tree Drive and Indian Creek Drive*
- *It is anticipated that the implementation of some improvements such as the parking removal and landscaping trimming/removal at some locations within the study segment will require coordination with the City of Miami Beach Public Works, and the relocation of the bus shelter will require coordination with the City of Miami Beach and Miami Dade Transit.*

The safety related improvements proposed could result in the reduction of approximately 14 crashes per year. The preliminary cost estimated for these improvements is \$ 2,001,201 dollars and the calculated Benefit/Cost ratio is 7.

SIGNAL HEADS AND SIGNS DETAIL FOR
ARTHUR GODFREY RD AT ALTON RD AND N MERIDIAN AV



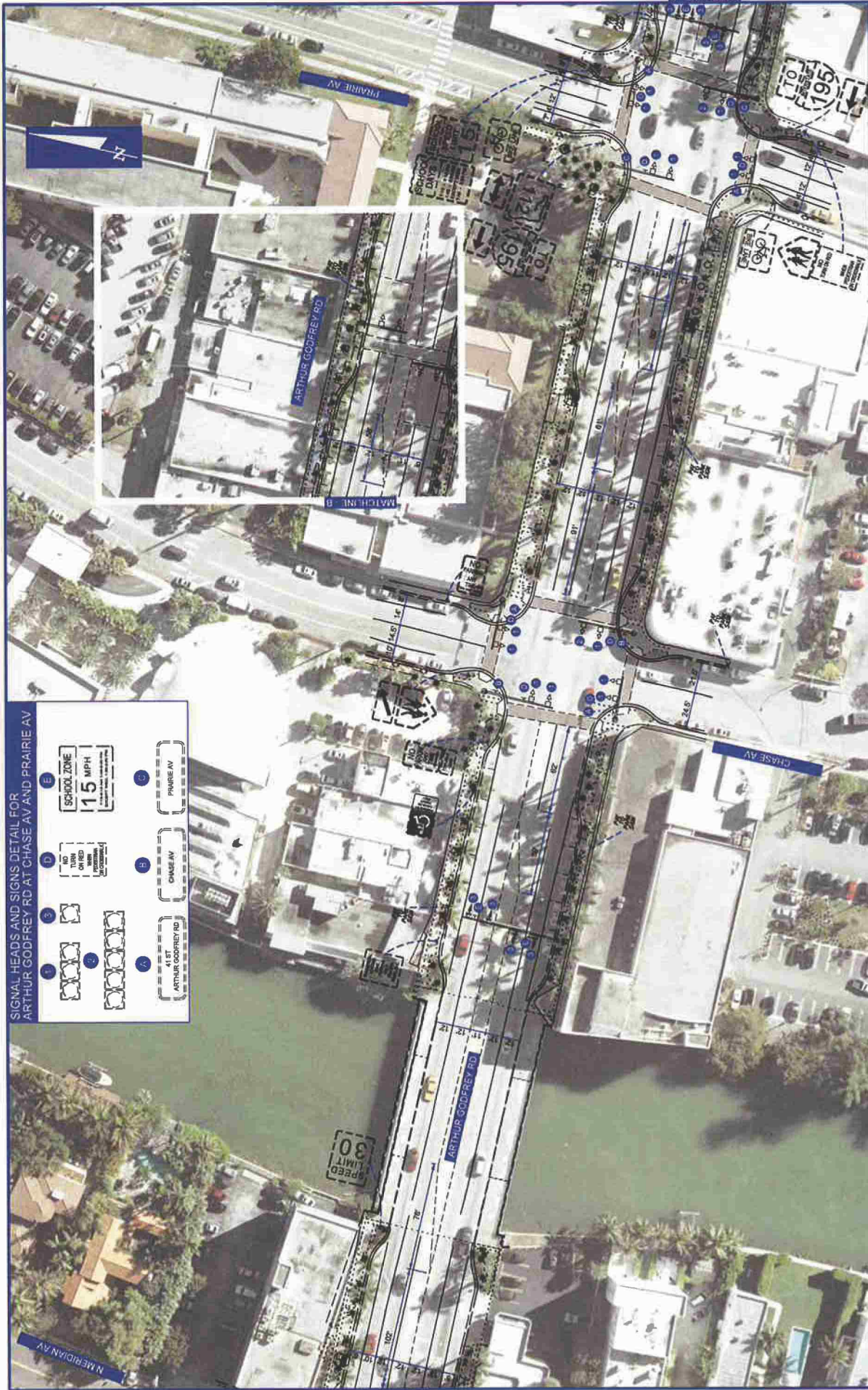
LEGEND					
[Symbol]	EXISTING SIGN PANEL	[Symbol]	DIRECTIONAL ARROW	[Symbol]	PED. SIGNAL
[Symbol]	DRAINAGE STRUCTURE	[Symbol]	EXISTING LIGHT POLE	[Symbol]	3-SECTION HEAD
[Symbol]	MANHOLE	[Symbol]	BUS STOP	[Symbol]	4-SECTION HEAD
				[Symbol]	5-SECTION HEAD

EXISTING CONDITIONS DIAGRAM
ARTHUR GODFREY RD FROM
ALTON RD TO W. OF PINE TREE

FIGURE NO. 2A

CHI PEREZ & ASSOCIATES CONSULTING ENGINEERS, INC.
CERTIFICATE OF AUTHORIZATION NO. EB-25978
1000 N. MIAMI AVE., SUITE 201
MIAMI, FL 33136
(305) 562-1070 / FAX: (305) 562-1078

12/20/2022	4:50:03 PM	17C-346.05-0001/0011/0012/0013/0014/0015/0016/0017/0018/0019/0020/0021/0022/0023/0024/0025/0026/0027/0028/0029/0030/0031/0032/0033/0034/0035/0036/0037/0038/0039/0040/0041/0042/0043/0044/0045/0046/0047/0048/0049/0050/0051/0052/0053/0054/0055/0056/0057/0058/0059/0060/0061/0062/0063/0064/0065/0066/0067/0068/0069/0070/0071/0072/0073/0074/0075/0076/0077/0078/0079/0080/0081/0082/0083/0084/0085/0086/0087/0088/0089/0090/0091/0092/0093/0094/0095/0096/0097/0098/0099/0100/0101/0102/0103/0104/0105/0106/0107/0108/0109/0110/0111/0112/0113/0114/0115/0116/0117/0118/0119/0120/0121/0122/0123/0124/0125/0126/0127/0128/0129/0130/0131/0132/0133/0134/0135/0136/0137/0138/0139/0140/0141/0142/0143/0144/0145/0146/0147/0148/0149/0150/0151/0152/0153/0154/0155/0156/0157/0158/0159/0160/0161/0162/0163/0164/0165/0166/0167/0168/0169/0170/0171/0172/0173/0174/0175/0176/0177/0178/0179/0180/0181/0182/0183/0184/0185/0186/0187/0188/0189/0190/0191/0192/0193/0194/0195/0196/0197/0198/0199/0200/0201/0202/0203/0204/0205/0206/0207/0208/0209/0210/0211/0212/0213/0214/0215/0216/0217/0218/0219/0220/0221/0222/0223/0224/0225/0226/0227/0228/0229/0230/0231/0232/0233/0234/0235/0236/0237/0238/0239/0240/0241/0242/0243/0244/0245/0246/0247/0248/0249/0250/0251/0252/0253/0254/0255/0256/0257/0258/0259/0260/0261/0262/0263/0264/0265/0266/0267/0268/0269/0270/0271/0272/0273/0274/0275/0276/0277/0278/0279/0280/0281/0282/0283/0284/0285/0286/0287/0288/0289/0290/0291/0292/0293/0294/0295/0296/0297/0298/0299/0300/0301/0302/0303/0304/0305/0306/0307/0308/0309/0310/0311/0312/0313/0314/0315/0316/0317/0318/0319/0320/0321/0322/0323/0324/0325/0326/0327/0328/0329/0330/0331/0332/0333/0334/0335/0336/0337/0338/0339/0340/0341/0342/0343/0344/0345/0346/0347/0348/0349/0350/0351/0352/0353/0354/0355/0356/0357/0358/0359/0360/0361/0362/0363/0364/0365/0366/0367/0368/0369/0370/0371/0372/0373/0374/0375/0376/0377/0378/0379/0380/0381/0382/0383/0384/0385/0386/0387/0388/0389/0390/0391/0392/0393/0394/0395/0396/0397/0398/0399/0400/0401/0402/0403/0404/0405/0406/0407/0408/0409/0410/0411/0412/0413/0414/0415/0416/0417/0418/0419/0420/0421/0422/0423/0424/0425/0426/0427/0428/0429/0430/0431/0432/0433/0434/0435/0436/0437/0438/0439/0440/0441/0442/0443/0444/0445/0446/0447/0448/0449/0450/0451/0452/0453/0454/0455/0456/0457/0458/0459/0460/0461/0462/0463/0464/0465/0466/0467/0468/0469/0470/0471/0472/0473/0474/0475/0476/0477/0478/0479/0480/0481/0482/0483/0484/0485/0486/0487/0488/0489/0490/0491/0492/0493/0494/0495/0496/0497/0498/0499/0500/0501/0502/0503/0504/0505/0506/0507/0508/0509/0510/0511/0512/0513/0514/0515/0516/0517/0518/0519/0520/0521/0522/0523/0524/0525/0526/0527/0528/0529/0530/0531/0532/0533/0534/0535/0536/0537/0538/0539/0540/0541/0542/0543/0544/0545/0546/0547/0548/0549/0550/0551/0552/0553/0554/0555/0556/0557/0558/0559/0560/0561/0562/0563/0564/0565/0566/0567/0568/0569/0570/0571/0572/0573/0574/0575/0576/0577/0578/0579/0580/0581/0582/0583/0584/0585/0586/0587/0588/0589/0590/0591/0592/0593/0594/0595/0596/0597/0598/0599/0600/0601/0602/0603/0604/0605/0606/0607/0608/0609/0610/0611/0612/0613/0614/0615/0616/0617/0618/0619/0620/0621/0622/0623/0624/0625/0626/0627/0628/0629/0630/0631/0632/0633/0634/0635/0636/0637/0638/0639/0640/0641/0642/0643/0644/0645/0646/0647/0648/0649/0650/0651/0652/0653/0654/0655/0656/0657/0658/0659/0660/0661/0662/0663/0664/0665/0666/0667/0668/0669/0670/0671/0672/0673/0674/0675/0676/0677/0678/0679/0680/0681/0682/0683/0684/0685/0686/0687/0688/0689/0690/0691/0692/0693/0694/0695/0696/0697/0698/0699/0700/0701/0702/0703/0704/0705/0706/0707/0708/0709/0710/0711/0712/0713/0714/0715/0716/0717/0718/0719/0720/0721/0722/0723/0724/0725/0726/0727/0728/0729/0730/0731/0732/0733/0734/0735/0736/0737/0738/0739/0740/0741/0742/0743/0744/0745/0746/0747/0748/0749/0750/0751/0752/0753/0754/0755/0756/0757/0758/0759/0760/0761/0762/0763/0764/0765/0766/0767/0768/0769/0770/0771/0772/0773/0774/0775/0776/0777/0778/0779/0780/0781/0782/0783/0784/0785/0786/0787/0788/0789/0790/0791/0792/0793/0794/0795/0796/0797/0798/0799/0800/0801/0802/0803/0804/0805/0806/0807/0808/0809/0810/0811/0812/0813/0814/0815/0816/0817/0818/0819/0820/0821/0822/0823/0824/0825/0826/0827/0828/0829/0830/0831/0832/0833/0834/0835/0836/0837/0838/0839/0840/0841/0842/0843/0844/0845/0846/0847/0848/0849/0850/0851/0852/0853/0854/0855/0856/0857/0858/0859/0860/0861/0862/0863/0864/0865/0866/0867/0868/0869/0870/0871/0872/0873/0874/0875/0876/0877/0878/0879/0880/0881/0882/0883/0884/0885/0886/0887/0888/0889/0890/0891/0892/0893/0894/0895/0896/0897/0898/0899/0900/0901/0902/0903/0904/0905/0906/0907/0908/0909/0910/0911/0912/0913/0914/0915/0916/0917/0918/0919/0920/0921/0922/0923/0924/0925/0926/0927/0928/0929/0930/0931/0932/0933/0934/0935/0936/0937/0938/0939/0940/0941/0942/0943/0944/0945/0946/0947/0948/0949/0950/0951/0952/0953/0954/0955/0956/0957/0958/0959/0960/0961/0962/0963/0964/0965/0966/0967/0968/0969/0970/0971/0972/0973/0974/0975/0976/0977/0978/0979/0980/0981/0982/0983/0984/0985/0986/0987/0988/0989/0990/0991/0992/0993/0994/0995/0996/0997/0998/0999/1000/1001/1002/1003/1004/1005/1006/1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SIGNAL HEADS AND SIGNS DETAIL FOR ARTHUR GODFREY RD AT CHASE AV AND PRAIRIE AV

1. [Signal Head Symbol]

2. [Signal Head Symbol]

3. [Signal Head Symbol]

4. [Signal Head Symbol]

5. [Signal Head Symbol]

6. [Signal Head Symbol]

7. [Signal Head Symbol]

8. [Signal Head Symbol]

9. [Signal Head Symbol]

10. [Signal Head Symbol]

11. [Signal Head Symbol]

12. [Signal Head Symbol]

SCHOOL ZONE 15 MPH

41 ST ARTHUR GODFREY RD

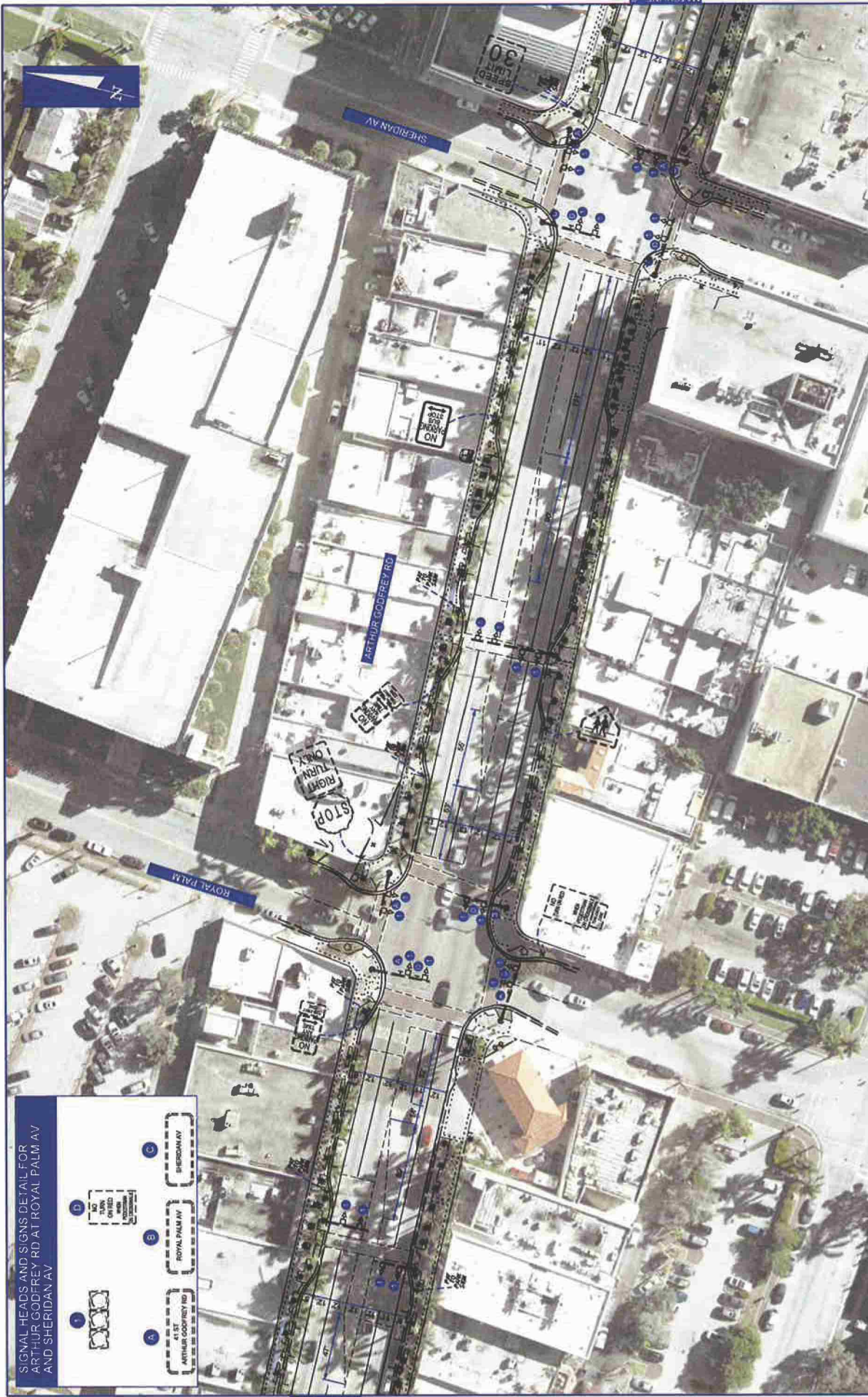
CHASE AV

PRAIRIE AV

LEGEND					EXISTING CONDITIONS DIAGRAM					FIGURE NO.	
[Symbol]	EXISTING SIGNAL PANEL	[Symbol]	DIRECTIONAL ARROW	[Symbol]	3-SECTION HEAD	[Symbol]	PED. SIGNAL	[Symbol]	EXISTING CONDITIONS DIAGRAM	ARTHUR GODFREY RD FROM ALTON RD TO W. OF PINE TREE	
[Symbol]	EXISTING SIGN PANEL	[Symbol]	EXISTING LIGHT POLE	[Symbol]	4-SECTION HEAD	[Symbol]	EXISTING LIGHT POLE	[Symbol]	EXISTING CONDITIONS DIAGRAM		
[Symbol]	DRAINAGE STRUCTURE	[Symbol]	BUS STOP	[Symbol]	5-SECTION HEAD	[Symbol]	EXISTING LIGHT POLE	[Symbol]	EXISTING CONDITIONS DIAGRAM	2B	
[Symbol]	MANHOLE	[Symbol]		[Symbol]		[Symbol]	EXISTING LIGHT POLE	[Symbol]	EXISTING CONDITIONS DIAGRAM		

CH. PEREZ & ASSOCIATES CONSULTING ENGINEERS, INC.
 6601 N. MIAMI AVE., SUITE 201
 MIAMI, FLORIDA 33178
 (305) 582-1070 / FAX: (305) 582-1078

DATE: 02/10/2022
 TIME: 2:34 PM
 PROJECT: ARTHUR GODFREY RD FROM ALTON RD TO W. OF PINE TREE



**SIGNAL HEADS AND SIGNS DETAIL FOR
ARTHUR GODFREY RD AT ROYAL PALM AV
AND SHERIDAN AV**

1

2

3

4

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7

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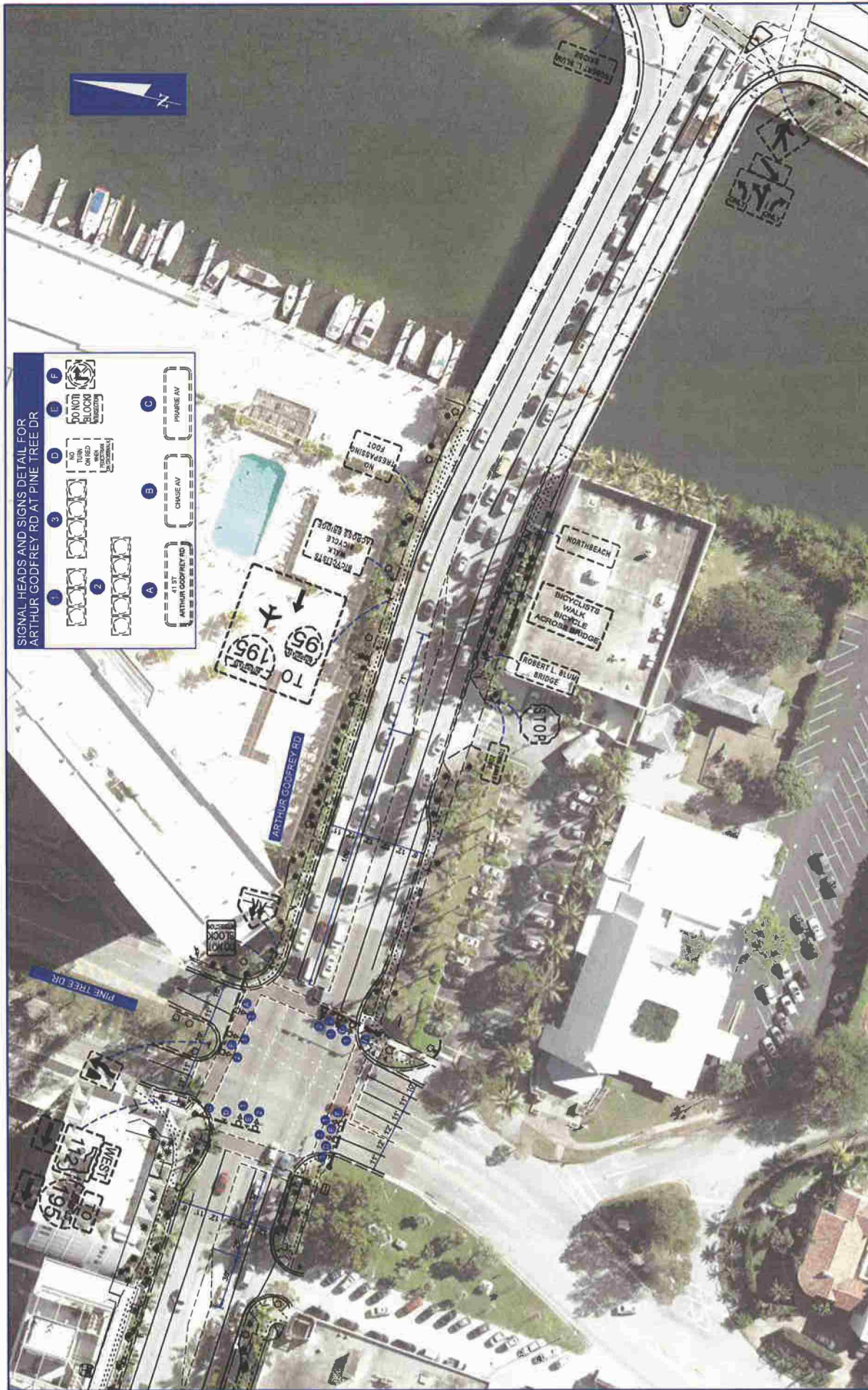
LEGEND									
	EXISTING SIGN PANEL		DIRECTIONAL ARROW		3-SECTION HEAD		PED. SIGNAL		
	DRAINAGE STRUCTURE		EXISTING LIGHT POLE		4-SECTION HEAD				
	MANHOLE		BUS STOP		5-SECTION HEAD				

EXISTING CONDITIONS DIAGRAM
ARTHUR GODFREY RD FROM
ALTON RD TO W. OF PINE TREE

FIGURE NO. 2C

CH. PEREZ & ASSOCIATES CONSULTING ENGINEERS, INC.
 CERTIFICATE OF PROFESSIONAL ENGINEERING NO. EB-25976
 1101 N. MIAMI AVE., SUITE 101
 MIAMI, FLORIDA 33178
 (305)582-1070 / FAX: (305)582-1078

DATE: 12/10/2022 TIME: 4:53:55 PM



LEGEND				EXISTING CONDITIONS DIAGRAM				FIGURE NO.	
EXISTING SIGN PANEL	DIRECTIONAL ARROW	3-SECTION HEAD	PED. SIGNAL	ARTHUR GODFREY RD FROM	ALTON RD TO W. OF PINE TREE	2D			
DRAWING STRUCTURE	EXISTING LIGHT POLE	SECTION HEAD							
MANHOLE	BUS STOP	SECTION HEAD							

DR PEREZ & ASSOCIATES CONSULTING ENGINEERS, INC.
 CERTIFICATE OF AUTHORIZATION NO. EB-38976
 MIAMI, FLORIDA 33178
 (305) 592-1070 / FAX: (305) 592-1078



1/20/2022 4:24:35 PM T:\C-134\06_000\1001\JOB\1001_001.DWG 2D - EXISTING CONDITIONS CAD/PJ/ARND



3.3 TRAFFIC DATA COLLECTION

As further discussed in the upcoming improvement development section of this document, given the recommended improvements along the study corridor (building a raised median and extending the left-turn bays), traffic data was collected.

The data collection effort for this study consisted of counting the eastbound/westbound left-turn traffic at all intersections (signalized and un-signalized) within the study limits, during the 2-hr AM, MIDDAY, and PM peak periods. The left-turn traffic counts were performed on Thursday, October 4, 2012 (typical weekday) from 7:30 AM to 9:30 AM, from 12:30 PM to 2:30 PM, and from 4:00 PM to 6:00 PM. The data sheets are included in Appendix B.

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SAFETY STUDY

May 2013

3.4 CRASH ANALYSIS

There were a total of 307 crashes along the study segment for the three-year period of 2008 through 2010. Under this study, all crash reports were reviewed to correct harmful event, severity, vehicle direction, and location. Collision diagrams were prepared for all crashes (the review of the police reports yielded other types of crashes which were included in the collision diagrams). The crash yearly breakdown was as follows, 129 crashes in 2008, 96 crashes in 2009, and 82 crashes in 2010. Based on crash severity, of the 307 crashes reported, 53 (17.3%) were injury-type crashes and 253 (82.4%) were property damage only crashes. There was one fatal crash reported, which was described as a bicycle collision at the intersection of SR 112/41 Street and Chase Avenue in 2009.

There were a total of 63 (20.5%) night/dusk/dawn crashes reported and a total of 22 (7.2%) wet pavement related crashes. There were 11 (3.6%) pedestrian crashes and 5 (1.6%) bicycle crash. In order of magnitude, the leading crash types were determined to be rear-end at 49.5% (152 crashes), sideswipe at 17.9% (55 crashes), 'collision with parked-car' at 8% (24 crashes), left-turn at 7% (20 crashes), and angle at 4.9% (15 crashes).

The crash statistics associated with the crash types included in the collision diagrams have been summarized in Table 2. The crash summaries and collision diagrams prepared under the previous study are included in Appendix C. Based on Figure 9 which presents an overall perspective for the clustering and staggering of crashes along the study segment, of the 8 intersections 6 are considered clusters.

- **Alton Road (36 Crashes)**
- Garden Avenue (19 Crashes)
- Jefferson Avenue (19 Crashes)
- **Meridian Avenue (25 Crashes)**
- **Chase Avenue (38 Crashes)**
- **Prairie Avenue (44 Crashes)**
- **Royal Palm Avenue (61 Crashes)**
- **Sheridan Avenue (65 Crashes)**

(Clusters in bold)

Table 1 shows the confidence level for the study segment which was calculated at 99.99% for the

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years 2008, 2009 and 2010. Segments with a confidence level of 99.95%, or higher, have such probability of their crash rates being abnormally high.

Table 1: Confidence Level Calculations for the Segment

Year	Number of Crashes	ADT	Actual Crash Rate (ACR)	District 6 Average Crash Rate (A)	Average Vehicle Exposure (M)	Critical Crash Rate (CCR)	Safety Ratio	Statistical Significance	Confidence Level
2008	129	39,000	26.420	6.859	4.883	11.097	2.381	16.591	99.9999%
2009	96	37,500	20.448	7.726	4.695	12.298	1.663	10.000	99.9999%
2010	82	38,500	17.012	7.113	4.820	11.452	1.486	8.234	99.9999%

Table 2: Crash Statistics for the segment

SR 112/41 St from Alton Rd to Sheridan Ave		Number of Crashes			3 Year Total Crashes	Mean Crashes Per Year	%
Segment/Spot with No Expected Values Available		2008	2009	2010			
CRASH TYPE	Available	61	50	41	152	50.67	49.5%
	Rear End	1	0	1	2	0.67	0.7%
	Head On	7	8	0	15	5.00	4.9%
	Angle	12	4	4	20	6.67	6.5%
	Left Turn	2	0	0	2	0.67	0.7%
	Right Turn	20	16	19	55	18.33	17.9%
	Sideswipe	4	4	4	12	4.00	3.9%
	Backed Into	8	8	8	24	8.00	7.8%
	Coll. w/ Parked Car	7	2	2	11	3.67	3.6%
	Coll. w/ Pedestrian	2	2	1	5	1.67	1.6%
	Coll. w/ Bicycle	3	0	1	4	1.33	1.3%
	Fixed Object	0	0	0	0	0.00	0.0%
	Ran Off Road	0	0	0	0	0.00	0.0%
	Overturned	2	2	1	5	1.67	1.6%
	Other	2	2	1	5	1.67	1.6%
	Total Crashes	129	96	82	307	102.33	100.0%
SEVERITY	PDO Crashes	100	80	73	253	84.33	82.4%
	Fatal Crashes	0	1	0	1	0.33	0.3%
	Injury Crashes	29	15	9	53	17.67	17.3%
LIGHTING	Daylight	103	72	68	243	81.00	79.2%
CONDITIONS	Dusk	5	3	1	9	3.00	2.9%
	Dawn	1	2	0	3	1.00	1.0%
	Dark	20	18	13	51	17.00	16.6%
	Unknown	0	1	0	1	0.33	0.3%
SURFACE	Dry	124	87	72	283	94.33	92.2%
CONDITIONS	Wet	5	8	9	22	7.33	7.2%
	Others	0	1	1	2	0.67	0.7%

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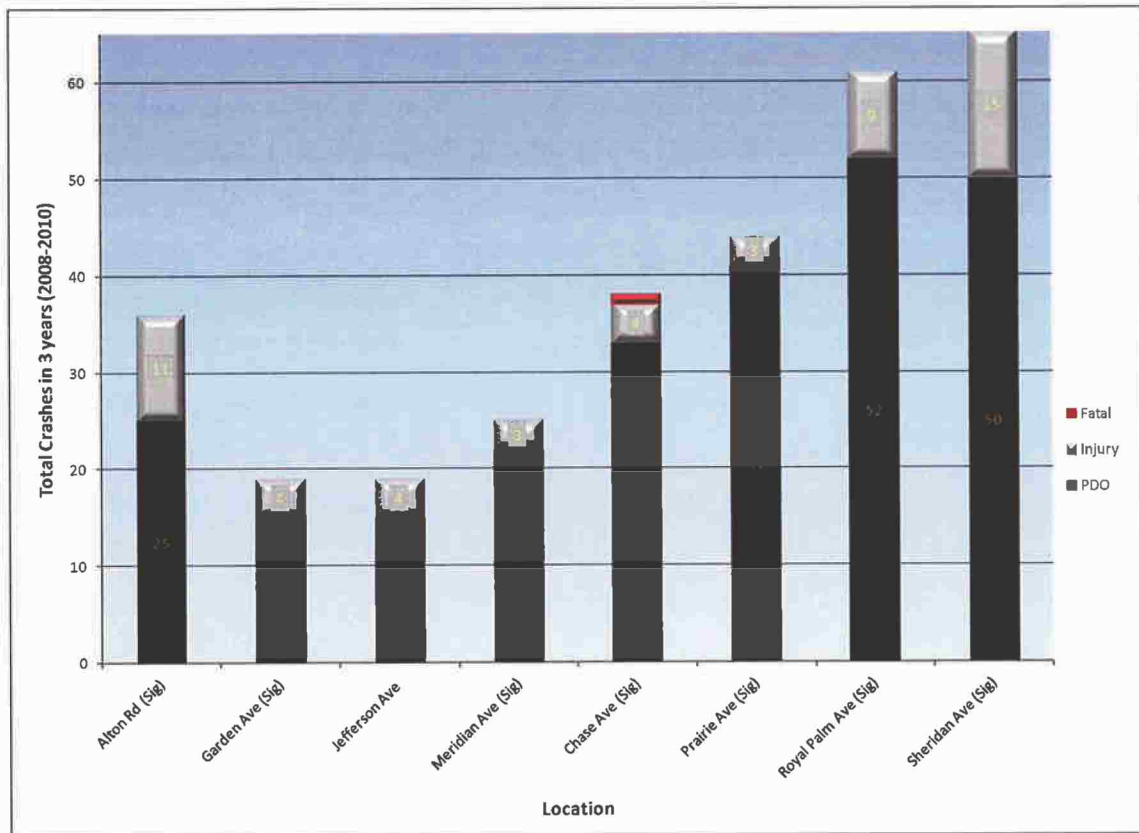


Figure 9: Crash Histogram - SR 112/W 41 Street from SR 907 to West of Pine Tree

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Crash Analysis for SR 112/41 Street at SR 907/Alton Road

Given the geometric layout of this intersection, an expected value analysis was not performed. A frequency analysis was performed instead. There were a total of 36 crashes at the study intersection for the three-year period of 2008 through 2010. The crash yearly breakdown was as follows, 15 crashes in 2008, 13 crashes in 2009, and 8 crashes in 2010. Based on crash severity, of the 36 crashes reported, 11 (30.6%) were injury type crashes and 25 (69.4%) were property damage only crashes. There were no fatal crashes.

There were a total of 12 (33.3%) night/dusk/dawn crashes reported and a total of 6 (16.7%) wet pavement related crashes. Nighttime and wet crashes are above the Districtwide Average of 30% and 16%, respectively. In order of magnitude, the leading crash types were rear-end at 36.1% (13 crashes), angle at 19.4% (7 crashes), and left-turn at 13.9% (5 crashes).

The crash peak period for all crashes was 3:00 PM to 6:00 PM. The crash peak periods of the rear-end crashes were 7:00 AM to 1:00 PM and 3:00 PM to 6:00 PM. Eight (75%) of the 13 rear-end crashes involved westbound vehicles and 4 (25%) involved eastbound vehicles. The crash peak period for the angle crashes was 4:00 PM to 6:00 PM. Four (57.1%) of the 7 angle crashes involved eastbound against northbound vehicles, 3 (42.9%) involved westbound against northbound vehicles. The crash peak periods for the left-turn crashes were 1:00 PM to 3:00 PM and 7:00 PM to 8:00 PM. Two (40%) of the left-turn crashes involved westbound left-turn vehicles, 1 (20%) involved one eastbound left-turn vehicle, 1 (20%) involved southbound left-turn vehicle, and 1 (20%) northbound left-turn vehicle. The crash statistics for this intersection have been summarized in Table 3.

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Table 3: Crash Statistics for SR 112/41 Street at SR 907/Alton Road

SR 112/41 St @ Alton Rd		Number of Crashes			3 Year	Mean	%
		Year			Total	Crashes	
Segment/Spot with No Expected Values Available		2008	2009	2010	Crashes	Per Year	
CRASH TYPE	Rear End	5	3	5	13	4.33	36.1%
	Head On	0	0	0	0	0.00	0.0%
	Angle	2	5	0	7	2.33	19.4%
	Left Turn	2	2	1	5	1.67	13.9%
	Right Turn	0	0	0	0	0.00	0.0%
	Sideswipe	4	2	1	7	2.33	19.4%
	Backed Into	0	0	0	0	0.00	0.0%
	Coll. w/ Parked Car	1	0	0	1	0.33	2.8%
	Coll. w/ Pedestrian	1	0	0	1	0.33	2.8%
	Coll. w/ Bicycle	0	1	0	1	0.33	2.8%
	Fixed Object	0	0	1	1	0.33	2.8%
	Ran Off Road	0	0	0	0	0.00	0.0%
	Overturned	0	0	0	0	0.00	0.0%
	Other	0	0	0	0	0.00	0.0%
	Total Crashes	15	13	8	36	12.00	100.0%
SEVERITY	PDO Crashes	8	11	6	25	8.33	69.4%
	Fatal Crashes	0	0	0	0	0.00	0.0%
	Injury Crashes	7	2	2	11	3.67	30.6%
LIGHTING CONDITIONS	Daylight	10	8	6	24	8.00	66.7%
	Dusk	3	0	0	3	1.00	8.3%
	Dawn	0	0	0	0	0.00	0.0%
	Dark	2	5	2	9	3.00	25.0%
	Unknown	0	0	0	0	0.00	0.0%
SURFACE CONDITIONS	Dry	14	11	5	30	10.00	83.3%
	Wet	1	2	3	6	2.00	16.7%
	Others	0	0	0	0	0.00	0.0%

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Crash Analysis for SR 112/41 Street at Meridian Avenue

Given the geometric layout of this intersection (4 Lane x 2 Lane, Signalized, 4-Leg Divided Intersection), an expected value analysis was performed. The abnormal crash type identified at the 90th percentile was rear-end. There were a total of 25 crashes at the study intersection for the three-year period of 2008 through 2010. The crash yearly breakdown was as follows, 11 crashes in 2008, 12 crashes in 2009, and 2 crashes in 2010. Based on crash severity, 3 (12%) were injury type crashes and 22 (88%) were property damage only crashes.

There were a total of 4 (16%) night/dusk/dawn crashes reported and a total of 3 (12%) wet pavement related crashes. Neither nighttime nor wet crashes are above the Districtwide averages of 30% and 16%, respectively. In order of magnitude, the leading crash types were rear-end at 80% (20 crashes), sideswipe at 12% (3 crashes), and left-turn at 8% (2 crashes). The crash peak period for all crashes was 3:00 PM to 6:00 PM. The crash peak periods for rear-end crashes were 1:00 PM to 3:00 PM. Eleven (57.1%) of the 20 rear-end crashes involved eastbound vehicles and 9 (42.9%) involved westbound vehicles. The crash statistics have been summarized in Table 4.

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Table 4: Crash Statistics for SR 112/ 41 Street at Meridian Avenue

SR 112/41 St @ Meridian Ave		Number of Crashes			3 Year Total Crashes	Mean Crashes Per Year	%	Expected Annual Crash Value	Abnormal 90th Percentile	Abnormal 95th Percentile
		Year								
4 Lane x 2 Lane, Signalized, with Turn Lanes, 4 Leg Intersection, Divided		2008	2009	2010						
CRASH TYPE	Rear End	8	11	1	20	6.67	80.0%	6.48	7.20 X	
	Head On	0	0	0	0	0.00	0.0%	0.85	0.97	
	Angle	0	0	0	0	0.00	0.0%	6.25	6.99	
	Left Turn	2	0	0	2	0.67	8.0%	4.51	5.08	
	Right Turn	0	0	0	0	0.00	0.0%	0.44	0.51	
	Sideswipe	1	1	1	3	1.00	12.0%	2.67	2.99	
	Backed Into	0	0	0	0	0.00	0.0%	0.53	0.61	
	Coll. w/ Parked Car	0	0	0	0	0.00	0.0%	0.25	0.30	
	Coll. w/ Pedestrian	0	0	0	0	0.00	0.0%	0.67	0.76	
	Coll. w/ Bicycle	0	0	0	0	0.00	0.0%	0.33	0.38	
	Fixed Object	0	0	0	0	0.00	0.0%	1.22	1.37	
	Ran Off Road	0	0	0	0	0.00	0.0%	0.16	0.19	
	Overturned	0	0	0	0	0.00	0.0%	0.23	0.27	
	Other	0	0	0	0	0.00	0.0%	7.62	8.55	
	Total Crashes	11	12	2	25	8.33	100.0%	25.59	28.26	
SEVERITY	PDO Crashes	9	11	2	22	7.33	88.0%	15.03	16.72	
	Fatal Crashes	0	0	0	0	0.00	0.0%	0.35	0.41	
	Injury Crashes	2	1	0	3	1.00	12.0%	23.15	25.72	
LIGHTING	Daylight	10	10	1	21	7.00	84.0%	16.74	18.47	
CONDITIONS	Dusk	0	0	0	0	0.00	0.0%	0.99	1.12	
	Dawn	0	1	0	1	0.33	4.0%	0.55	0.63	
	Dark	1	1	1	3	1.00	12.0%	8.73	9.76	
	Unknown	0	0	0	0	0.00	0.0%	0.7	0.80	
SURFACE	Dry	10	10	2	22	7.33	88.0%	21.75	24.03	
CONDITIONS	Wet	1	2	0	3	1.00	12.0%	3.55	3.93	
	Others	0	0	0	0	0.00	0.0%	0.8	0.92	

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Crash Analysis for SR 112/41 Street at Chase Avenue

Given the geometric layout of this intersection (4 Lane x 2 Lane, Signalized, 4-Leg Divided Intersection), an expected value analysis was performed. The abnormal crash types identified at the 95th percentile were 'collision with parked vehicle' (4 crashes), and backed-into (3 crashes). There were a total of 38 crashes at the study intersection for the three-year period of 2008 through 2010. The crash yearly breakdown was as follows, 16 crashes in 2008, 8 crashes in 2009, and 14 crashes in 2010. Based on crash severity, of the 38 crashes reported, 4 (10.5%) were injury type crashes and 33 (86.8%) were property damage only crashes. There was one fatal crash. According to the police report, this crash occurred on Tuesday, March 31, 2009 at 11:51 AM when a southbound driver ran the red light and struck a bicyclist crossing the north leg of the intersection. The driver at fault fled the scene. The road surface was dry at the time of the crash.

There were a total of 7 (18.4%) night/dusk/dawn crashes reported and a total of 3 (7.9%) wet pavement related crashes. Neither nighttime nor wet crashes are above the Districtwide averages of 30% and 16%. In order of magnitude, the leading crash types were rear-end at 44.7% (17 crashes), sideswipe and collision with parked vehicle each at 10.5% (4 crashes each). The crash peak period for all crashes was 11:00 AM to 1:00 PM. The crash peak period for the rear-end crashes was 11:00 AM to 3:00 PM. Eleven (66.7%) of the 17 rear-end crashes involved eastbound vehicles, 4 (16.7%) involved westbound vehicles, and 1 (0%) involved northbound vehicles. Two (50%) of the 4 sideswipe crashes involved eastbound vehicles, and 2 (50%) involved northbound vehicles. Given the low frequency of 'backed into' crashes and 'collision with parked car' crashes these were not further investigated. The crash statistics have been summarized in Table 5.

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Table 5: Crash Statistics for SR 112/41 Street at Chase Avenue

SR 112/41 St @ Chase Ave		Number of Crashes					%	Expected Annual Crash Value	Abnormal 90th Percentile	Abnormal 95th Percentile
		Year			3 Year Total Crashes	Mean Crashes Per Year				
		2008	2009	2010						
4 Lane x 2 Lane, Signalized, with Turn Lanes, 4 Leg Intersection, Divided		2008	2009	2010						
CRASH TYPE	Rear End	7	3	7	17	5.67	44.7%	6.48	7.20	
	Head On	1	0	0	1	0.33	2.6%	0.85	0.97	
	Angle	2	1	0	3	1.00	7.9%	6.25	6.99	
	Left Turn	2	0	0	2	0.67	5.3%	4.51	5.08	
	Right Turn	0	0	0	0	0.00	0.0%	0.44	0.51	
	Sideswipe	1	1	2	4	1.33	10.5%	2.67	2.99	
	Backed Into	1	1	1	3	1.00	7.9%	0.53	0.61 X	X
	Coll. w/ Parked Car	0	1	3	4	1.33	10.5%	0.25	0.30 X	X
	Coll. w/ Pedestrian	1	0	1	2	0.67	5.3%	0.67	0.76	
	Coll. w/ Bicycle	0	1	0	1	0.33	2.6%	0.33	0.38	
	Fixed Object	1	0	0	1	0.33	2.6%	1.22	1.37	
	Ran Off Road	0	0	0	0	0.00	0.0%	0.16	0.19	
	Overturned	0	0	0	0	0.00	0.0%	0.23	0.27	
	Other	0	0	0	0	0.00	0.0%	7.62	8.55	
Total Crashes		16	8	14	38	12.67	100.0%	25.59	28.26	
SEVERITY	PDO Crashes	15	6	12	33	11.00	86.8%	15.03	16.72	
	Fatal Crashes	0	1	0	1	0.33	2.6%	0.35	0.41	
	Injury Crashes	1	1	2	4	1.33	10.5%	23.15	25.72	
LIGHTING CONDITIONS	Daylight	12	8	11	31	10.33	81.6%	16.74	18.47	
	Dusk	0	0	0	0	0.00	0.0%	0.99	1.12	
	Dawn	1	0	0	1	0.33	2.6%	0.55	0.63	
	Dark	3	0	3	6	2.00	15.8%	8.73	9.76	
	Unknown	0	0	0	0	0.00	0.0%	0.7	0.80	
SURFACE CONDITIONS	Dry	14	8	13	35	11.67	92.1%	21.75	24.03	
	Wet	2	0	1	3	1.00	7.9%	3.55	3.93	
	Others	0	0	0	0	0.00	0.0%	0.8	0.92	

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Crash Analysis for SR 112/41 Street at Prairie Avenue

Given the geometric layout of this intersection (4 Lane x 2 Lane, Signalized, 4-Leg Divided Intersection), an expected value analysis was performed. The abnormal crash types identified at the 95th percentile were rear-end (26 crashes), backed-into (2 crashes), and 'Collision with parked car' (2 crashes). There were a total of 44 crashes at the study intersection for the three-year period of 2008 through 2010. The crash yearly breakdown was as follows, 23 crashes in 2008, 14 crashes in 2009, and 7 crashes in 2010. Based on crash severity, 3 (6.8%) were injury type crashes and 41 (93.2%) were property damage only crashes. There were no fatal crashes.

There were a total of 7 (15.9%) night/dusk/dawn crashes reported and a total of 4 (9.1%) wet pavement related crashes. Neither nighttime nor wet crashes are above the Districtwide averages of 30% and 16%, respectively. In order of magnitude, the leading crash types were rear-end at 59.1% (26 crashes) and sideswipe at 15.9% (7 crashes). The crash peak period for all crashes was 3:00 PM to 6:00 PM. The crash peak period for rear-end crashes was 2:00 PM to 4:00 PM. Fifteen (55.6%) of the 26 rear-end crashes involved westbound vehicles, 10 (33.3%) involved eastbound vehicles, and 1 (0%) involved northbound vehicles. Given the low frequency of 'backed into' crashes and 'collision with parked car' crashes these were not further investigated. The crash statistics have been summarized in Table 6.

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Table 6: Crash Statistics for SR 112/41 Street at Prairie Avenue

SR 112/41 St @Prairie Ave		Number of Crashes			3 Year Total Crashes	Mean Crashes Per Year	%	Expected Annual Crash Value	Abnormal 90th Percentile	Abnormal 95th Percentile
		Year								
4 Lane x 2 Lane, Signalized, with Turn Lanes, 4 Leg Intersection, Divided		2008	2009	2010						
CRASH TYPE	Rear End	11	10	5	26	8.67	59.1%	6.48	7.20 X	X
	Head On	0	0	0	0	0.00	0.0%	0.85	0.97	
	Angle	3	0	0	3	1.00	6.8%	6.25	6.99	
	Left Turn	1	0	0	1	0.33	2.3%	4.51	5.08	
	Right Turn	0	0	0	0	0.00	0.0%	0.44	0.51	
	Sideswipe	3	3	1	7	2.33	15.9%	2.67	2.99	
	Backed Into	1	0	1	2	0.67	4.5%	0.53	0.61 X	X
	Coll. w/ Parked Car	2	0	0	2	0.67	4.5%	0.25	0.30 X	X
	Coll. w/ Pedestrian	0	0	0	0	0.00	0.0%	0.67	0.76	
	Coll. w/ Bicycle	0	0	0	0	0.00	0.0%	0.33	0.38	
	Fixed Object	2	0	0	2	0.67	4.5%	1.22	1.37	
	Ran Off Road	0	0	0	0	0.00	0.0%	0.16	0.19	
	Overturned	0	0	0	0	0.00	0.0%	0.23	0.27	
	Other	0	1	0	1	0.33	2.3%	7.62	8.55	
	Total Crashes	23	14	7	44	14.67	100.0%	25.59	28.26	
SEVERITY	PDO Crashes	20	14	7	41	13.67	93.2%	15.03	16.72	
	Fatal Crashes	0	0	0	0	0.00	0.0%	0.35	0.41	
	Injury Crashes	3	0	0	3	1.00	6.8%	23.15	25.72	
LIGHTING	Daylight	19	11	7	37	12.33	84.1%	16.74	18.47	
CONDITIONS	Dusk	0	0	0	0	0.00	0.0%	0.99	1.12	
	Dawn	0	0	0	0	0.00	0.0%	0.55	0.63	
	Dark	4	3	0	7	2.33	15.9%	8.73	9.76	
	Unknown	0	0	0	0	0.00	0.0%	0.7	0.80	
SURFACE	Dry	23	11	6	40	13.33	90.9%	21.75	24.03	
CONDITIONS	Wet	0	3	1	4	1.33	9.1%	3.55	3.93	
	Others	0	0	0	0	0.00	0.0%	0.8	0.92	

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Crash Analysis for SR 112/41 Street at Royal Palm Avenue

Given the geometric layout of this intersection (4 Lane x 2 Lane, Signalized, 4-Leg Divided Intersection), an expected value analysis was performed. The abnormal crash types identified at the 95th percentile were rear-end (28 crashes), sideswipe (13 crashes) 'Collision with parked car' (8 crashes), and backed-into (4 crashes). There were a total of 61 crashes at the study intersection for the three-year period of 2008 through 2010. The crash yearly breakdown was as follows, 29 crashes in 2008, 15 crashes in 2009, and 17 crashes in 2010. Based on crash severity, 9 (14.8%) were injury type crashes and 52 (85.2%) were property damage only crashes. There were no fatal crashes. Nighttime crashes and property damage only were identified as abnormally high at the 95th percentile.

There were a total of 13 (21.3%) night/dusk/dawn crashes reported and a total of 2 (3.3%) wet pavement related crashes. Neither nighttime nor wet crashes are above the Districtwide averages of 30% and 16%, respectively. In order of magnitude, the leading crash types were rear-end at 45.9% (28 crashes) and sideswipe at 21.3% (13 crashes).

The crash peak period for all crashes was 3:00 PM to 6:00 PM. The crash peak periods for rear-end crashes were 1:00 PM to 3:00 PM and 4:00 PM 6:00 PM. Fourteen (55.6%) of the 28 rear-end crashes involved westbound vehicles and 14 (55.6%) involved eastbound vehicles. Given the frequency of 'backed into' crashes these will not be further investigated. Given that the locations of the Collision with parked car' crashes were disseminated throughout the intersection, no crash pattern was identified, and therefore these were not further investigated. The crash statistics have been summarized in Table 7.

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Table 7: Crash Statistics for SR 112/41 Street at Royal Palm Avenue

SR 112/41 St @ Royal Palm Ave		Number of Crashes			3 Year Total Crashes	Mean Crashes Per Year	%	Expected Annual Crash Value	Abnormal 90th Percentile	Abnormal 95th Percentile
		Year								
		2008	2009	2010						
4 Lane x 2 Lane, Signalized, with Turn Lanes, 4 Leg Intersection, Divided		2008	2009	2010						
CRASH TYPE	Rear End	14	7	7	28	9.33	45.9%	6.48	7.20 X	X
	Head On	0	0	0	0	0.00	0.0%	0.85	0.97	
	Angle	0	0	0	0	0.00	0.0%	6.25	6.99	
	Left Turn	1	1	2	4	1.33	6.6%	4.51	5.08	
	Right Turn	1	0	0	1	0.33	1.6%	0.44	0.51	
	Sideswipe	7	3	3	13	4.33	21.3%	2.67	2.99 X	X
	Backed Into	2	0	2	4	1.33	6.6%	0.53	0.61 X	X
	Coll. w/ Parked Car	4	3	1	8	2.67	13.1%	0.25	0.30 X	X
	Coll. w/ Pedestrian	0	0	1	1	0.33	1.6%	0.67	0.76	
	Coll. w/ Bicycle	0	0	0	0	0.00	0.0%	0.33	0.38	
	Fixed Object	0	0	0	0	0.00	0.0%	1.22	1.37	
	Ran Off Road	0	0	0	0	0.00	0.0%	0.16	0.19	
	Overturned	0	0	0	0	0.00	0.0%	0.23	0.27	
	Other	0	1	1	2	0.67	3.3%	7.62	8.55	
	Total Crashes	29	15	17	61	20.33	100.0%	25.59	28.26	
SEVERITY	PDO Crashes	25	11	16	52	17.33	85.2%	15.03	16.72 X	X
	Fatal Crashes	0	0	0	0	0.00	0.0%	0.35	0.41	
	Injury Crashes	4	4	1	9	3.00	14.8%	23.15	25.72	
LIGHTING CONDITIONS	Daylight	24	11	13	48	16.00	78.7%	16.74	18.47	
	Dusk	2	2	0	4	1.33	6.6%	0.99	1.12 X	X
	Dawn	0	1	0	1	0.33	1.6%	0.55	0.63	
	Dark	3	1	4	8	2.67	13.1%	8.73	9.76	
	Unknown	0	0	0	0	0.00	0.0%	0.7	0.80	
SURFACE CONDITIONS	Dry	29	15	15	59	19.67	96.7%	21.75	24.03	
	Wet	0	0	2	2	0.67	3.3%	3.55	3.93	
	Others	0	0	0	0	0.00	0.0%	0.8	0.92	

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SAFETY STUDY

May 2013

Crash Analysis for SR 112/41 Street at Sheridan Avenue

Given the geometric layout of this intersection (4 Lane x 2 Lane, Signalized, 4-Leg Divided Intersection), an expected value analysis was performed. The abnormal crash types identified at the 95th percentile were rear-end (25 crashes), sideswipe (18 crashes) 'Collision with parked car' (5 crashes), collision with pedestrian (4 crashes), collision with bicycle (2 crashes), and backed-into (2 crashes). There were a total of 65 crashes at the study intersection for the three-year period of 2008 through 2010. The crash yearly breakdown was as follows, 19 crashes in 2008, 23 crashes in 2009, and 23 crashes in 2010. Based on crash severity, 15 (23.1%) were injury type crashes and 50 (76.9%) and were property damage only crashes, this also identified as abnormal crash type at the 90th percentile. There were no fatal crashes. There were a total of 15 (23.1%) night/dusk/dawn crashes reported and a total of 4 (6.2%) wet pavement related crashes. Neither nighttime nor wet crashes are above the Districtwide averages of 30% and 16%, respectively. In order of magnitude, the leading crash types were rear-end at 38% (25 crashes) and sideswipe at 27.7% (18 crashes).

The crash peak period for all crashes was 3:00 PM to 6:00 PM. The crash peak period for rear-end crashes was 4:00 PM to 6:00 PM. Nineteen (75%) of the 25 rear-end crashes involved eastbound vehicles, 5 (25%) involved westbound vehicles, and 1 (0%) involved southbound vehicles. The majority of the 'collision with pedestrian' and 'collision with bicycle' crashes were associated to northbound/southbound vehicles performing right-turn or left-turn and failing to yield the right-of-way of pedestrians and bicyclist. Given the low frequency of 'backed into' crashes these will not be further investigated. Given that the locations of the Collision with parked car' crashes were disseminated throughout the intersection, no crash pattern was identified, and therefore these were not further investigated. The crash statistics have been summarized in Table 8.

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SAFETY STUDY

May 2013

Table 8: Crash Statistics for SR 112/41 Street at Sheridan Avenue

SR 112/41 St @ Sheridan Ave		Number of Crashes					%	Expected Annual Crash Value	Abnormal 90th Percentile	Abnormal 95th Percentile
		Year			3 Year Total Crashes	Mean Crashes Per Year				
		2008	2009	2010						
4 Lane x 2 Lane, Signalized, with Turn Lanes, 4 Leg Intersection, Divided		2008	2009	2010						
CRASH TYPE	Rear End	7	11	7	25	8.33	38.5%	6.48	7.20 X	X
	Head On	0	0	1	1	0.33	1.5%	0.85	0.97	
	Angle	1	0	0	1	0.33	1.5%	6.25	6.99	
	Left Turn	3	1	1	5	1.67	7.7%	4.51	5.08	
	Right Turn	0	0	0	0	0.00	0.0%	0.44	0.51	
	Sideswipe	3	6	9	18	6.00	27.7%	2.67	2.99 X	X
	Backed Into	0	2	0	2	0.67	3.1%	0.53	0.61 X	X
	Coll. w/ Parked Car	0	1	4	5	1.67	7.7%	0.25	0.30 X	X
	Coll. w/ Pedestrian	2	2	0	4	1.33	6.2%	0.67	0.76 X	X
	Coll. w/ Bicycle	1	0	1	2	0.67	3.1%	0.33	0.38 X	X
	Fixed Object	0	0	0	0	0.00	0.0%	1.22	1.37	
	Ran Off Road	0	0	0	0	0.00	0.0%	0.16	0.19	
	Overturned	0	0	0	0	0.00	0.0%	0.23	0.27	
	Other	2	0	0	2	0.67	3.1%	7.62	8.55	
Total Crashes		19	23	23	65	21.67	100.0%	25.59	28.26	
SEVERITY	PDO Crashes	13	17	20	50	16.67	76.9%	15.03	16.72 X	
	Fatal Crashes	0	0	0	0	0.00	0.0%	0.35	0.41	
	Injury Crashes	6	6	3	15	5.00	23.1%	23.15	25.72	
LIGHTING CONDITIONS	Daylight	15	14	20	49	16.33	75.4%	16.74	18.47	
	Dusk	0	1	1	2	0.67	3.1%	0.99	1.12	
	Dawn	0	0	0	0	0.00	0.0%	0.55	0.63	
	Dark	4	7	2	13	4.33	20.0%	8.73	9.76	
	Unknown	0	1	0	1	0.33	1.5%	0.7	0.80	
SURFACE CONDITIONS	Dry	18	22	21	61	20.33	93.8%	21.75	24.03	
	Wet	1	1	2	4	1.33	6.2%	3.55	3.93	
	Others	0	0	0	0	0.00	0.0%	0.8	0.92	

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4.2 PROPOSED IMPROVEMENTS

The following conceptual roadway improvements were developed based on the operational conditions, field review, and crash history of the location under study. Rear-end, angle, and 'collision with pedestrian and bicyclist' crashes are the main crash types to be targeted for mitigation. While developing the following improvements, consideration was given as to whether any improvements would be physically and economically feasible. The proposed modifications focus on improving conditions to reduce the four crash patterns identified. The improvements have been detailed and graphically depicted in Figure 18. The proposed improvements are as follows:

SR 112/41 Street at SR 907/Alton Road

- Install back-plates for all approaches.
- Provide reflective tape around the back-plates facing the eastbound approach at SR 907/Alton Road
- Install additional signal heads for the eastbound/westbound approaches
- Trim Landscaping on the northeast and southeast corners
 - Target: Rear-end and angle crashes
- Replace the existing 'NO TURN ON RED WHEN PEDESTRIANS IN CROSSWALKS' signs with R10-15 facing all approaches
- Realign south leg crosswalk
- Relocate pedestrian signal head on southwest corner onto island
- Provide high emphasis crosswalk on north leg and south legs
 - Target: 'Collision with pedestrian' and 'collision with bicycle' crashes
- Provide eastbound/westbound left-turn guidelines
- Provide 5-section signal head with flashing yellow left-turn arrow facing eastbound traffic
 - Target: All crashes

SR 112/41 Street at Garden Avenue

- Refurbish crosswalk markings
- Upgrade pedestrian heads to countdown
- Build bulb-out to reduce crosswalk length
 - Target: 'Collision with pedestrian' and 'collision with bicycle' crashes
- Install right turn pavement arrow on northbound approach
- Eliminate two parking spots on SR 112/Arthur Godfrey (westbound) between SR

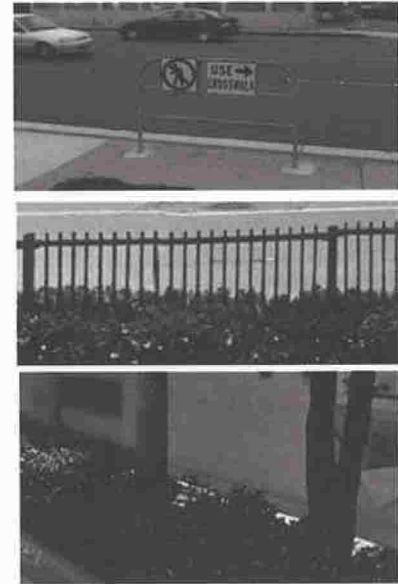
907/Alton Road and the midblock crossing located just west of Gardens Avenue

- Target: All crashes

SR 112/41 Street at Jefferson Avenue

- Trim landscaping around intersection
- Install 'Do Not Enter' signs facing southbound
- Improve street name signs
- Trim landscape on eastbound side for driveways
- Install fence with no pedestrian crossing signs (R9-3A & R9-3B) at Burger King Restaurant.
- Provide high density landscape (as illustrated in the picture) (along SR 112/41 Street between Garden Avenue and East of Jefferson Avenue) between the sidewalk and the back of the curb to physically restrict midblock pedestrian crossing.

- Target: All crashes



SR 112/41 Street at Meridian Avenue

- Install back-plates for all approaches
- Install a supplemental signal head facing the eastbound approach
- Install 'Do Not Block Intersection' R10-7 sign facing eastbound/westbound approaches
- Relocate trailblazer signs facing southbound traffic on the northwest corner
 - Target: Rear-end crashes
- Trim/remove landscaping on the northwest and southwest corners
 - Target: Rear-end, angle crashes, 'collision with pedestrian' and 'collision with bicycle' crashes
- Refurbish crosswalk markings
- Upgrade pedestrian signal heads to countdown
- Replace the existing 'NO TURN ON RED WHEN PEDESTRIANS IN CROSSWALKS' signs with R10-15 facing eastbound/westbound/southbound approaches, and install a R10-15 facing northbound approach
 - Target: 'Collision with pedestrian' and 'collision with bicycle' crashes



SR 112/41 Street at Chase Avenue

- Install back-plates for all approaches
- Install an additional signal head for the eastbound approach
- Install 'Do Not Block Intersection' R10-7 sign facing eastbound/westbound approaches
 - Target: Rear-end and angle crashes
- Trim/remove Landscaping on northeast corner
 - Target: Rear-end, angle crashes, 'collision with pedestrian' and 'collision with bicycle' crashes
- Refurbish crosswalk markings
- Replace the existing 'NO TURN ON RED WHEN PEDESTRIANS IN CROSSWALKS' signs with R10-15 facing all approaches*
- Upgrade all pedestrian signs
 - Target: 'Collision with pedestrian' and 'collision with bicycle' crashes

SR 112/41 Street at Prairie Avenue

- Install back-plates for all approaches
- Install an additional signal head for the eastbound approach
- Install 'Do Not Block Intersection' R10-7 sign panels facing eastbound/westbound approaches
 - Target: Rear-end and angle crashes
- Install programmed lenses on eastbound mast-arm of mid-block pedestrian signal
 - Target: Rear-end crashes
- Remove existing westbound far side bus shelter and install a smaller bus shelter into the bus area. The Accessing Transit Handbook for Florida Bus Passenger Facilities Version II, 2008 (Figures 1.26 and 1.27) shows a small shelter with seating that would fit within the right-of-way and minimize the impact of the implementation of this improvement on the existing landscaping and light pole facilities.
 - Target: Rear-end and Sideswipe crashes
- Refurbish crosswalk markings
- Replace the existing "NO TURN ON RED WHEN PEDESTRIANS IN CROSSWALKS" signs with R10-15 facing all approaches
- Upgrade all pedestrian signs



- Target: 'Collision with pedestrian' and 'collision with bicycle' crashes
- Relocate school crossing sign closer to northbound stop bar
 - Target: All crashes

SR 112/41 Street at Royal Palm Avenue

- Install back-plates for all approaches
 - Target: Rear-end and angle crashes
- Trim/remove landscaping on northwest and southeast corners
 - Target: Rear-end, angle crashes, 'collision with pedestrian' and 'collision with bicycle' crashes
- Refurbish crosswalk markings
- Replace the existing 'NO TURN ON RED WHEN PEDESTRIANS IN CROSSWALKS' signs with R10-15 facing all approaches
- Upgrade all pedestrian signs
 - Target: 'Collision with pedestrian' and 'collision with bicycle' crashes

SR 112/41 Street at Sheridan Avenue

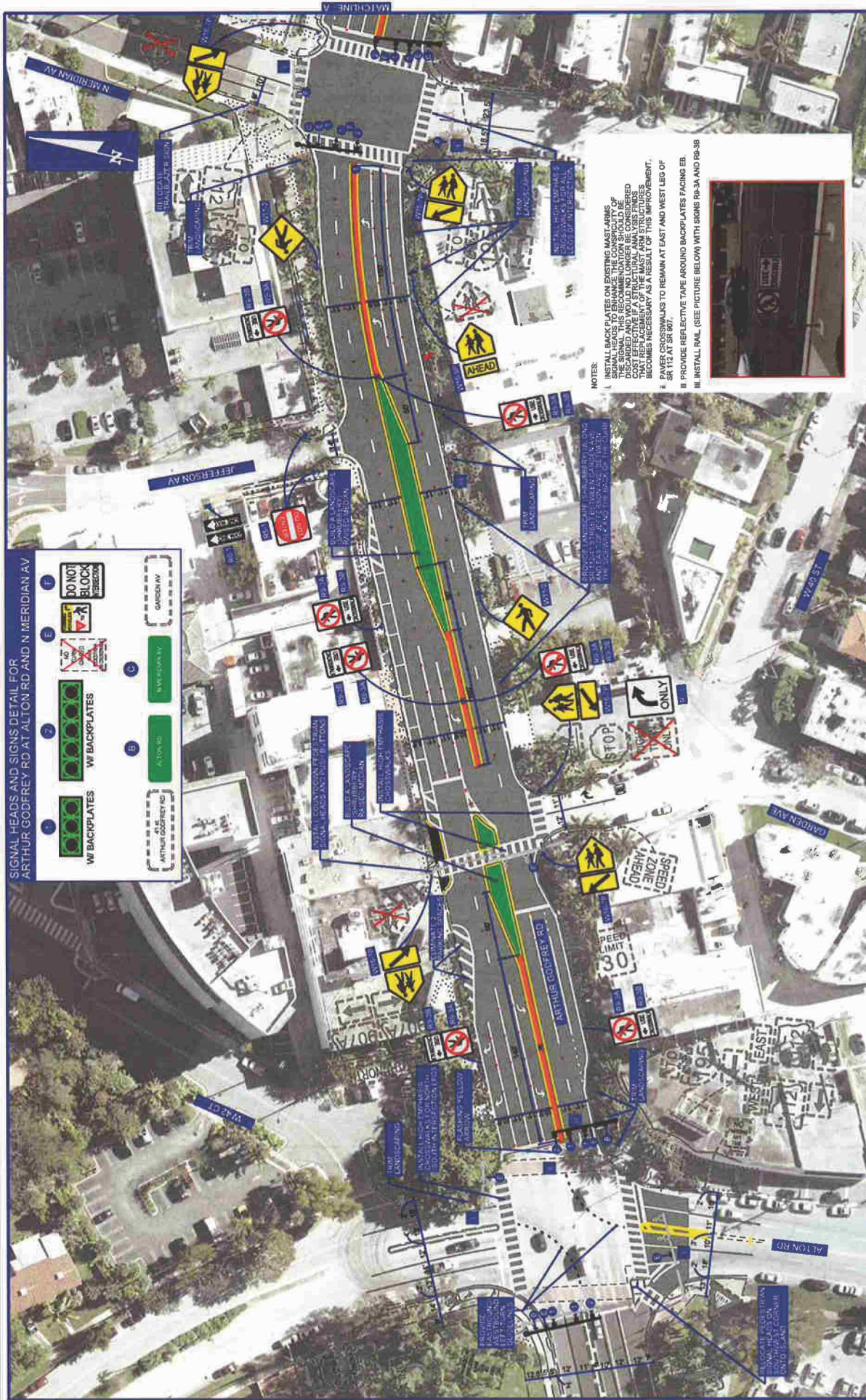
- Install back-plates for all approaches
 - Target: Rear-end and angle crashes
- Trim/remove Landscaping on northeast corner
 - Target: Rear-end, angle crashes, 'collision with pedestrian' and 'collision with bicycle' crashes
- Refurbish crosswalk markings
- Replace the existing 'NO TURN ON RED WHEN PEDESTRIANS IN CROSSWALKS' signs with R10-15 facing all approaches
- Upgrade all pedestrian signs
 - Target: 'Collision with pedestrian' and 'collision with bicycle' crashes

SEGMENT WIDE

- Build a landscaped (shrubbery) raised median/traffic separator from Alton Road to Sheridan Avenue and increase left-turns storage length
 - Target: Rear-end, angle, sideswipe crashes, left-turn crashes and 'collision with pedestrian' and 'collision with bicycle' crashes



- Provide 'BUS ONLY' pavement markings on all the bus bays within the study segment
 - Target: Rear-end and sideswipe crashes
- *It is understood that the installation of back-plates, additional signal heads, and 'Do Not Block Intersection' and R10-15 sign panels on mast-arms facing eastbound and westbound approaches will require the structural analysis of the mast-arms to determine if the existing structures can withstand the additional dead load and wind load. We have assumed the replacement of the existing mast-arms facing eastbound and westbound approaches at all intersections; however, if the analysis finds that the existing mast-arms facing northbound and southbound at any of the intersections need to be replaced, the recommendation to provide back-plates, and 'Do Not Block Intersection' and R10-15 sign panels on the mast-arms facing northbound and southbound would no longer be considered cost efficient and therefore should be discarded.*
- *It is understood that building a raised median/concrete separator on the bridge deck between Meridian Avenue and Chase Avenue will require the structural analysis to determine if the existing structure can withstand the additional dead load.*
- *The study segment falls within the limits of the FDOT project 419824-1-52-01 (from SR 907/Alton Road to SR A1A/Collins Avenue) which includes the following improvements:*
 - *Milling & resurfacing*
 - *Cross slope correction*
 - *Signs/Markings*
 - *ADA improvements*
 - *Countdown pedestrian signal Heads*
 - *Stamped asphalt crosswalks*
 - *Spot reconstruction areas*
 - *Safety improvements at Pine Tree Drive and Indian Creek Drive*
- *It is anticipated that the implementation of some improvements such as the parking removal and landscaping trimming/removal at some locations within the study segment will require coordination with the City of Miami Beach Public Works, and the relocation of the bus shelter will require coordination with the City of Miami Beach and Miami Dade Transit.*



CHI PEREZ & ASSOCIATES CONSULTING ENGINEERS, INC.					FIGURE NO.	
CERTIFICATE OF AUTHORIZATION NO. EB-25978					18A	
3005 S.W. 10TH AVE., SUITE 201						
MIAMI, FLORIDA 33175						
(305) 592-1070 / FAX: (305) 592-1078						
DATE: 10/22/14						
PROJECT: SR 112 / SR 807 - EB - 1ST TO 12TH AVE / SR 112 - SR 807						

SIGNAL HEADS AND SIGNS DETAIL FOR ARTHUR GODFREY RD AT CHASE AV AND PRAIRIE AV

W BACKPLATES

W BACKPLATES

DO NOT BLOCK

15 MPH

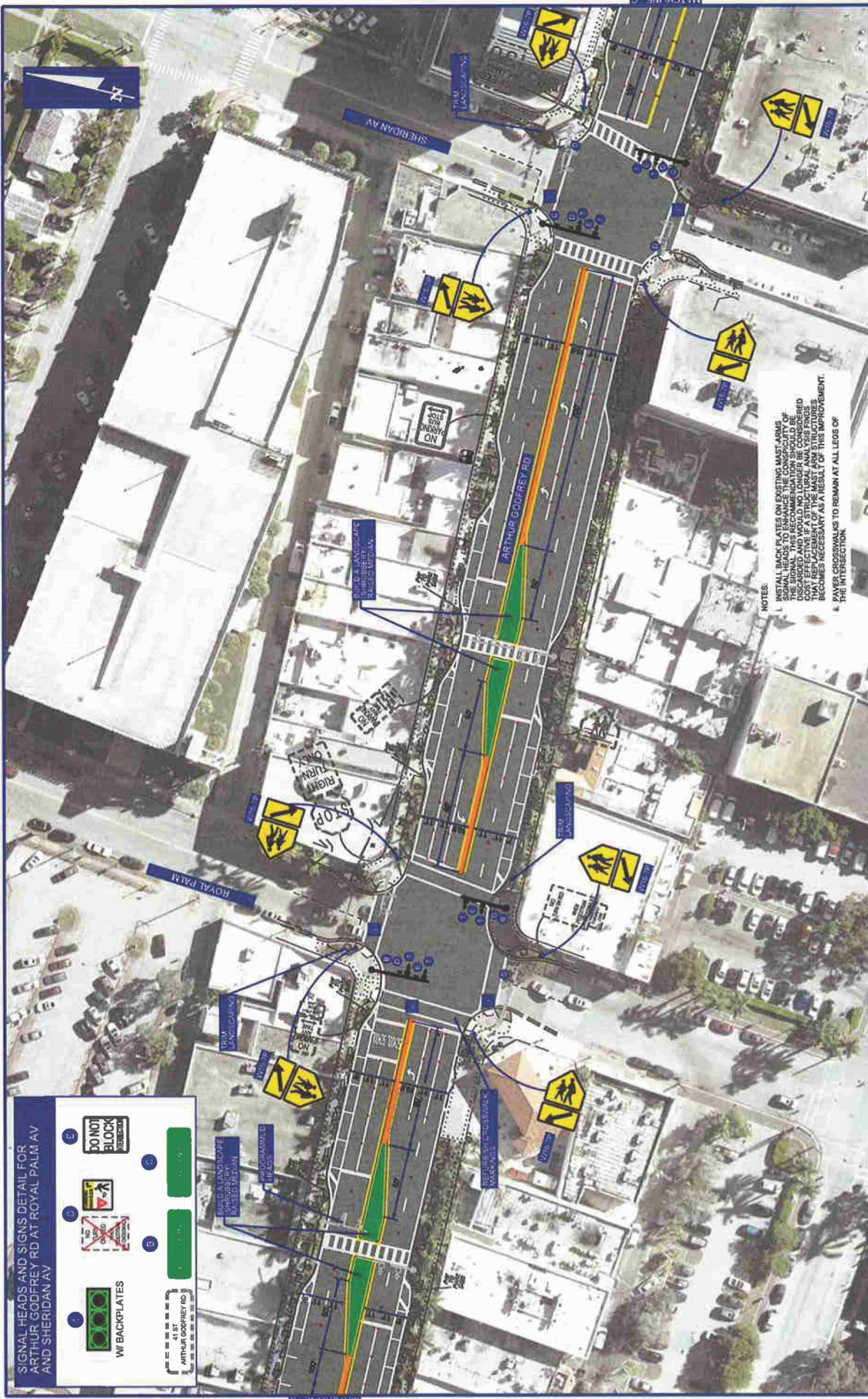
11 FT



NOTES:

- INSTALL BACK PLATES ON EXISTING MAST ARMS
- REPLACE EXISTING MAST ARMS WITH NEW MAST ARMS
- THE SIGNAL THIS RECOMMENDATION SHOULD BE DISCARDED AND WOULD NO LONGER BE CONSIDERED
- THAT REPLACEMENT OF THE MAST ARMS STRUCTURES BECOMES NECESSARY AS A RESULT OF THIS IMPROVEMENT.
- PAVER CROSSWALKS TO REMAIN AT ALL LEGS OF THE INTERSECTION.

CH PIERZ & ASSOCIATES CONSULTING ENGINEERS, INC. CERTIFICATE OF AUTHORIZATION NO. EB-25978 6694 NW 41 STREET, SUITE 201 MIAMI, FLORIDA 33178 (305)592-1070 / FAX: (305)592-1078										FIGURE NO.		188
PROPOSED CONDITIONS DIAGRAM ARTHUR GODFREY RD FROM ALTON RD TO W. OF PINE TREE DR												
												



SIGNAL HEADS AND SIGNS DETAIL FOR ARTHUR GODFREY RD AT ROYAL PALM AV AND SHERIDAN AV

W/ BACKPLATES

DO NOT BLOCK INTERSECTION

NOTES

1. INITIAL BACK PLATES ON EXISTING MAST ARMS SIGNAL HEADS TO ENHANCE THE CONSPICUITY OF THIS SIGNAL HEADS AND TO BE CONSIDERED THIS SIGNAL HEADS WOULD NO LONGER BE CONSIDERED COST EFFECTIVE IF A STRUCTURAL ANALYSIS FINDS BECOMES NECESSARY AS A RESULT OF THIS IMPROVEMENT.

2. PAVEMENT CROSSWALKS TO REMAIN AT ALL LEGS OF THE INTERSECTION.

CHERIEZ & ASSOCIATES CONSULTING ENGINEERS, INC. CERTIFICATE OF AUTHORIZATION NO. EB-25976 6694 NW 41 STREET, SUITE 201 MIAMI, FLORIDA 33178 (305)562-1070 FAX: (305)562-1078										FIGURE NO.		16C	
PROPOSED CONDITIONS DIAGRAM ARTHUR GODFREY RD FROM ALTON RD TO W. OF PINE TREE DR													
													
													
LEGEND													
[]	EXISTING SIGN PANEL	↑	DIRECTIONAL ARROW	3-SECTION HEAD	↓	PED. SIGNAL	CONCRETE SIDEWALK						
[]	DRAINAGE STRUCTURE	↻	EXISTING LIGHT POLE	4-SECTION HEAD	⊗	SIGN PANEL TO BE REMOVED	SOD						
[]	MANHOLE	⊞	BUS STOP	5-SECTION HEAD	⬛	MILLING & RESURFACING	TRAFFIC SEPARATOR						

4.3 BENEFIT / COST ANALYSIS

A Benefit/Cost analysis (B/C) was performed for the proposed improvements, which includes an evaluation of the potential reduction of crashes upon the implementation of these improvements and its associated estimated cost. In addition, it focused on the resolution of safety and operational related issues.

Cost Estimate

The preliminary costs were estimated for the improvements for each intersection and for the entire segment and are presented in Table 11. Detailed cost estimates for each intersection and for the entire segment for all improvements are also included in Appendix D. The estimates include the cost of preliminary engineering, construction oversight, and a percentage for contingency.

Table 11: Preliminary Construction Cost Estimate

IMPROVEMENTS	SAFETY
ROADWAY CONSTRUCTION	\$426,340.75
SIGNING & PAVEMENT MARKINGS	\$63,420.00
SIGNALIZATION	\$573,490.00
SUBTOTAL	\$1,063,250.75
20% Maintenance of Traffic	\$212,650.15
10% Mobilization	\$106,325.08
30% Contingency	\$318,975.23
LS PE & CEI	\$300,000.00
GRAND TOTAL	\$2,001,201.20

Crash Reduction Factors (CRF)

These calculations were performed following CRF values provided by the Department which is based on the "CRASH" database maintained by the Department. In addition, if a proposed improvement (or similar improvement) was not listed in the FDOT's list of CRFs, the FHWA report titled "Desktop Reference for Crash Reduction Factors" (Sept 2008) was referenced.

Table 12, on the next page, illustrates in detail the crash reduction computations for the safety related improvements at all the intersections within the study segment. Applying the CRFs as mentioned above to the total number of crashes yields 42 crashes possible for reduction for the next three years or approximately 14 crashes per year.

SR 112 from Alton Rd to W of Pine Tree Dr - Safety Study - ERC.docx

May 2013

Table 12: CRF Calculation

Proposed Improvement(s)	CRF					Targeted Crash Types	Crashes Reduced ^a					
	Source	Crash Group	Default CRF	% Adjustment	Adjusted CRF ^a		Rear end	Angle	Left turn	Collision W/ Peds and Bikes	Sideswipe	Total
Segmentwide	Build a landscaped (shrubbery) raised median/traffic separator from Alton Road to Sheridan Avenue	FHWA (p. 100)	All	25%	70.00% ⁸	17.50%	Collision w/Peds and Bike			2.76		2.76
	Build a landscaped (shrubbery) raised median/traffic separator from Alton Road to Sheridan Avenue and increase left-turn bays	FHWA (p. 33)	All	25%	15.00% ^{1a}	3.75%	Rear-end/Angle/Sideswipe/Left turn	5.03	0.50	0.72	2.06	8.90
Alton Rd	Install backplates on EB/WB signal heads and provide 5-section signal head with flashing yellow turn arrow facing EB traffic	FHWA (p. 15)	All	13%	61.11% ²	8.33%	Collision w/Peds and Bike	1.00	0.60	0.40		2.00
	Install additional signal heads (EB/WB)	FHWA (p. 14)	All	7%	52.78% ³	3.23%	Rear end/Angle	0.40	0.20			0.60
	Improve ped head locations, realign south leg crosswalk, relocated ped head on SW corner onto island, provided high emphasis crosswalk on north leg crosswalk	FDOT ID 103 ⁴	All	41%	5.56% ⁴	2.10%	Collision w/Peds and Bike			0.05		0.05
	Trim landscaping on the NE & SE corners, eliminate inadequate parking spaces, provide E/W left turn guidelines	FDOT ID 14 ⁵	All	26%	30.56% ⁴	2.67%	Angle	0.92	0.49			1.41
Garden	Eliminate two parking spots on SR 112/Arthur Godfrey (westbound) between SR 907/Alton Road and the midblock crossing located just west of Gardens Avenue	FDOT ID 42 ⁶	All	20%	36.84% ⁴	7.37%	Collision w/Peds and Bike	0.74		0.15		0.89
	Recap crosswalk markings, upgrade ped heads to countdown	FDOT ID 103 ⁵	All	41%	10.00% ⁴	4.32%	Collision w/Peds and Bike			0.08		0.08
Jefferson	Trim landscaping around intersection. Install rail with 'no pedestrian crossing' signs (R9-3A & R9-3B) at Burger King Restaurant	FDOT ID 14 ⁵	All	26%	10.53% ⁴	2.74%	Collision w/Peds and Bike			0.05		0.05
Meridian Ave	Install backplates facing (EB & WB)	FHWA (p. 15)	All	13%	80.00% ⁷	5.91%	Rear end	2.10				2.10
	Supplemental signal head facing EB traffic on new WB mast arm, new mast arm facing EB traffic	FHWA (p. 14)	All	7%	44.00% ⁸	2.23%	Rear end	0.60				0.60
	Trim landscaping on the EB approach	FDOT ID 14 ⁵	All	26%	80.00% ⁸	8.27%	Rear end	3.60				3.60
Chase Ave	Install backplates facing (EB & WB)	FHWA (p. 15)	All	13%	47.37% ⁸	4.62%	Rear end/Angle	1.00	0.20			1.20
	Install additional signal heads (EB) on new mast arms	FHWA (p. 14)	All	7%	31.58% ¹⁰	1.40%	Rear end/Angle	0.35	0.06			0.42
	Trim/remove landscaping on NE corner	FDOT ID 14 ⁵	All	26%	28.95% ¹¹	4.62%	Rear end /Angle/Ped & Bike	1.28	0.22	0.23		1.73
	Recap crosswalk markings, install ground mounted & on mast arm R10-15 signs, upgrade pedestrian signs	FDOT ID 103 ⁵	All	41%	7.89% ¹²	4.00%	Collision w/Peds and Bike			0.11		0.11
Prairie Ave	Install backplates facing (EB & WB)	FHWA (p. 15)	All	13%	56.82% ¹³	5.67%	Rear end	1.90				1.90
	Additional signal heads (EB) on new mast arms, install programmed lenses on EB mast arm of mid-block pedestrian signal	FHWA (p. 14)	All	7%	22.73% ¹⁴	0.90%	Rear end	0.38				0.38
	Remove existing westbound far side bus shelter and install a smaller bus shelter into the bus area	FDOT ID 14 ⁵	All	26%	56.82% ¹⁵	2.36%	Rear end	3.50				3.50
Royal Palm Ave	Install backplates facing (EB & WB)	FHWA (p. 15)	All	13%	46% ⁸	5.97%	Rear end/Angle	1.70				1.70
	Install additional signal heads (EB) on new mast arms	FHWA (p. 14)	All	7%	23% ²	1.61%	Rear end/Angle	0.42				0.42
	Trim/remove landscaping on NW&SW corner, install Do Not Block Intersection' R10-7 sign panels (EB & WB), and extend EB & WB left-turn bays	FDOT ID 14 ⁵	All	26%	54% ³	14.07%	Rear end /Angle/Ped & Bike	3.64		0.14		3.78
Sheridan Ave	Recap crosswalk markings, install ground mounted & on mast arm R10-15 signs, upgrade pedestrian signs	FDOT ID 103 ⁵	All	41%	2% ⁴	4.00%	Collision w/Peds and Bike			0.03		0.03
	Install backplates facing (EB & WB)	FHWA (p. 15)	All	38%	38% ¹	5.00%	Rear end/Angle	1.30				1.30
	Install additional signal heads (EB) on new mast arms	FHWA (p. 14)	All	31%	31% ²	2.15%	Rear end/Angle	0.51				0.51
	Trim/remove landscaping on NE corner, install Do Not Block Intersection' R10-7 sign panels (EB & WB), and extend EB & WB left-turn bays	FDOT ID 14 ⁵	All	22%	22% ³	5.60%	Rear end /Angle/Ped & Bike	1.40		0.34		1.74
Totals							31.78	2.27	1.46	4.41	2.06	
Possible Crashes to be Reduced with Proposed Improvements							In 3-Years					42.0
							Per Year					14.0

Notes:

- A. Adjusted CRF = Default CRF * (% Adjustment)
- B. The reduced crashes for each improvement are determined by first subtracting the reduced crashes resulting from the preceding improvement from each targeted crash type then applying the adjusted CRF.
1. CRF adjustment commensurate with the level of effectiveness anticipated from these collective improvements.
- 1a. CRF adjustment commensurate with the level of effectiveness anticipated from these collective improvements.
2. CRF reduced in proportion to the targeted crash types (as percentage of total rear-end, angle, and left turn crashes) that occurred on the eastbound and westbound approaches.
3. CRF reduced in proportion to the targeted crash types as percentage of total rear end and angle crashes that occurred at the intersection.
4. CRF adjustment commensurate with the level of effectiveness anticipated from these collective improvements.
5. The default CRF for FDOT ID 103 was used as a surrogate CRF for these proposed improvements.
6. The default CRF for FDOT ID 14 was used as a surrogate CRF for these proposed improvements.
7. CRF reduced in proportion to the targeted crash types (as percentage of total rear-end crashes) that occurred on the eastbound and westbound approaches.
8. CRF reduced in proportion to the targeted crash types (as percentage of total rear-end crashes) that occurred on the eastbound approach.
9. CRF reduced in proportion to the targeted crash types (as percentage of total rear-end and angle crashes) that occurred on the eastbound and westbound approaches.
10. CRF reduced in proportion to the targeted crash types (as percentage of total rear-end and angle crashes) that occurred on the eastbound approach.
11. CRF reduced in proportion to the targeted crash types (as percentage of total rear-end angle, and pedestrian crashes) that occurred on the westbound approach.
12. CRF adjustment commensurate with the level of effectiveness anticipated from these collective improvements.
13. CRF reduced in proportion to the targeted crash types (as percentage of total rear-end crashes) that occurred on the eastbound and westbound approaches.
14. CRF reduced in proportion to the targeted crash types (as percentage of total rear-end crashes) that occurred on the eastbound approach.
15. CRF adjustment commensurate with the level of effectiveness anticipated from this improvements.

4.4 B/C CALCULATION

The safety B/C value for the proposed improvements along the study segment was calculated at 7.0. The safety related improvements proposed could result in the reduction of approximately 14 crashes per year. Table 13 below shows the summarized results of the B/C calculation for the entire segment. Detailed calculations of the B/C analysis for the safety related improvements are included in Appendix E.

Table 13: Summary of B/C Analysis

DESCRIPTION	COST
Safety Benefits	\$ 1,166,470.27
Annualized Cost of Project	\$ 166,398.01
SAFETY B/C	7.0

Given the positive results of the B/C analysis, the recommended improvements described previously are feasible for implementation along the study segment.

4.5 CONCLUSION / RECOMMENDATIONS

Based on the safety and operational deficiencies identified by the study for the segment along SR 112/41 Street from SR 907/Alton Road to West of Pine Tree Drive and positive B/C results, the improvements developed are recommended for implementation as stated below.

SR 112/41 Street at SR 907/Alton Road

- Install back-plates for all approaches.
- Provide reflective tape around the back-plates facing the eastbound approach at SR 907/Alton Road
- Install additional signal heads for the eastbound/westbound approaches
- Trim Landscaping on the northeast and southeast corners
- Replace the existing 'NO TURN ON RED WHEN PEDESTRIANS IN CROSSWALKS' signs with R10-15 facing all approaches
- Realign south leg crosswalk
- Relocate pedestrian signal head on southwest corner onto island
- Provide high emphasis crosswalk on north leg and south legs
- Provide eastbound/westbound left-turn guidelines
- Provide 5-section signal head with flashing yellow left-turn arrow facing eastbound traffic

SR 112/41 Street at Garden Avenue

- Refurbish crosswalk markings
- Upgrade pedestrian heads to countdown
- Build bulb-out to reduce crosswalk length
- Install right turn pavement arrow on northbound approach
- Eliminate two parking spots on SR 112/Arthur Godfrey (westbound) between SR 907/Alton Road and the midblock crossing located just west of Gardens Avenue

SR 112/41 Street at Jefferson Avenue

- Trim landscaping around intersection
- Install 'Do Not Enter' signs facing southbound
- Improve street name signs
- Trim landscape on eastbound side for driveways
- Install fence with no pedestrian crossing signs (R9-3A & R9-3B) at Burger King Restaurant.
- Provide high density landscape (as illustrated in the

picture) (along SR 112/41 Street between Garden Avenue and East of Jefferson Avenue) between the sidewalk and the back of the curb to physically restrict midblock pedestrian crossing.



SR 112/41 Street at Meridian Avenue

- Install back-plates for all approaches
- Install a supplemental signal head facing the eastbound approach
- Install 'Do Not Block Intersection' R10-7 sign facing eastbound/westbound approaches
- Relocate trailblazer signs facing southbound traffic on the northwest corner
- Trim/remove landscaping on the northwest and southwest corners
- Refurbish crosswalk markings
- Upgrade pedestrian signal heads to countdown
- Replace the existing 'NO TURN ON RED WHEN PEDESTRIANS IN CROSSWALKS' signs with R10-15 facing eastbound/westbound/southbound approaches, and install a R10-15 facing northbound approach



SR 112/41 Street at Chase Avenue

- Install back-plates for all approaches
- Install an additional signal head for the eastbound approach
- Install 'Do Not Block Intersection' R10-7 sign facing eastbound/westbound approaches
- Trim/remove Landscaping on northeast corner
- Refurbish crosswalk markings
- Replace the existing 'NO TURN ON RED WHEN PEDESTRIANS IN CROSSWALKS' signs with R10-15 facing all approaches*
- Upgrade all pedestrian signs

SR 112/41 Street at Prairie Avenue

- Install back-plates for all approaches
- Install an additional signal head for the eastbound approach
- Install 'Do Not Block Intersection' R10-7 sign panels facing eastbound/westbound approaches
- Install programmed lenses on eastbound mast-arm of mid-block pedestrian signal
- Remove existing westbound far side bus shelter and install a smaller bus shelter into the bus area. The Accessing Transit Handbook for Florida Bus Passenger Facilities Version II, 2008 (Figures 1.26 and 1.27) shows a small shelter with seating that would fit within the right-of-way and minimize the impact of the implementation of this improvement on the existing landscaping and light pole facilities.
- Refurbish crosswalk markings
- Replace the existing "NO TURN ON RED WHEN PEDESTRIANS IN CROSSWALKS' signs with R10-15 facing all approaches
- Upgrade all pedestrian signs
- Relocate school crossing sign closer to northbound stop bar

SR 112/41 Street at Royal Palm Avenue

- Install back-plates for all approaches
- Trim/remove landscaping on northwest and southeast corners
- Refurbish crosswalk markings
- Replace the existing 'NO TURN ON RED WHEN PEDESTRIANS IN CROSSWALKS' signs with R10-15 facing all approaches
- Upgrade all pedestrian signs



SR 112/41 Street at Sheridan Avenue

- Install back-plates for all approaches
- Trim/remove Landscaping on northeast corner
- Refurbish crosswalk markings
- Replace the existing 'NO TURN ON RED WHEN PEDESTRIANS IN CROSSWALKS' signs with R10-15 facing all approaches
- Upgrade all pedestrian signs

SEGMENT WIDE

- Build a landscaped (shrubbery) raised median/traffic separator from Alton Road to Sheridan Avenue and increase left-turns storage length
- Provide 'BUS ONLY' pavement markings on all the bus bays within the study segment

Notes:

- *It is understood that the installation of back-plates, additional signal heads, and 'Do Not Block Intersection' and R10-15 sign panels on mast-arms facing eastbound and westbound approaches will require the structural analysis of the mast-arms to determine if the existing structures can withstand the additional dead load and wind load. We have assumed the replacement of the existing mast-arms facing eastbound and westbound approaches at all intersections; however, if the analysis finds that the existing mast-arms facing northbound and southbound at any of the intersections need to be replaced, the recommendation to provide back-plates, and 'Do Not Block Intersection' and R10-15 sign panels on the mast-arms facing northbound and southbound would no longer be considered cost efficient and therefore should be discarded.*
- *It is understood that building a raised median/concrete separator on the bridge deck between Meridian Avenue and Chase Avenue will require the structural analysis to determine if the existing structure can withstand the additional dead load.*
- *The study segment falls within the limits of the FDOT project 419824-1-52-01 (from SR 907/Alton Road to SR A1A/Collins Avenue) which includes the following improvements:*
 - Milling & resurfacing
 - Cross slope correction
 - Signs/Markings
 - ADA improvements



- Countdown pedestrian signal Heads
 - Stamped asphalt crosswalks
 - Spot reconstruction areas
 - Safety improvements at:
 - Pine Tree Drive
 - Indian Creek Drive
- *It is anticipated that the implementation of some improvements such as the parking removal and landscaping trimming/removal at some locations within the study segment will require coordination with the City of Miami Beach Public Works, and the relocation of the bus shelter will require coordination with the City of Miami Beach and Miami Dade Transit.*

[THIS AREA WAS INTENTIONALLY LEFT BLANK]

Neighborhood/Community Affairs Committee Meeting
June 26, 2013

**A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee Not To Name The New Tennis Center At Flaming Park (The Center) The "Flamingo Park Tennis Center," As Proposed By The Flamingo Park Neighborhood Association And, Further, To Keep The Existing Proposed Name Of The Center As The "Flamingo Park/Holtz Tennis Center," In Accordance With The Intent Of The Prior Agreement(s) Entered Into By The Tennis Center," In Accordance With The Intent Of The Prior Agreement(s) Entered Into By The City.
Item R7I, June 5, 2013**

Kevin Smith, Parks and Recreation Department Director

ITEM #12



MIAMI BEACH

MEMORANDUM

TO: Neighborhood/Community Affairs Committee

FROM: Jimmy L. Morales, City Manager

DATE: June 26, 2013

SUBJECT: **Follow-up Discussion on the Status of the Naming of the New Tennis Center at Flamingo Park**

Introduction

At its regular meeting on May 20, 2013, the Neighborhoods and Community Affairs Committee (Committee) considered a proposal by the Flamingo Park Neighborhood Association to name the new tennis center at Flamingo Park, the "Flamingo Park Tennis Center." In conjunction with this proposal, the Committee also held a broader discussion with regard to the history of the naming of the previous tennis center at Flamingo Park which, until it was demolished (between May 2012 and May 2013) to make way for the new center, had been named the "Holtz Stadium." The 5/20/13 Committee Memorandum, attached as Exhibit "A" hereto, sets forth the chronology and relevant facts with regard to the history of the naming.

As a follow-up to the May 20, 2013, Committee discussion, and in accordance with the motion made by the members of the Committee a City Commission item accepting the recommendation of the Committee not to name the new tennis center at Flamingo Park the "Flamingo Park Tennis Center" (as proposed by the Flamingo Park Neighborhood Association), and to keep the existing proposed name of the center as the "Flamingo Park/Holtz Tennis Center" (in accordance with the intent of the prior agreement(s) entered into by the City) was prepared and submitted for consideration in the June 5, 2013, City Commission agenda. The 6/5/13, City Commission Memorandum is attached as Exhibit "B" hereto.

June 5, 2013, City Commission Action

The issue of the naming of the tennis center in Flamingo Park was heard at the June 5, 2013, City Commission meeting. Following extensive public comment and further discussion by the City Commission, the City Commission voted not to accept the Committee's recommendation, and further expressed its desire to name the new tennis center the "Flamingo Park Tennis Center". An additional motion was made by the City Commission to refer the matter back to the Neighborhood/Community Affairs Committee for further discussion.

Conclusion

The Administration recommends that the discussion concerning the status of the naming of the Tennis Center at Flamingo Park be held at the Neighborhood/Community Affairs Committee and direction as to the next actions be provided to the Administration.

JLM/JMT/RA/KS

F:\RCPA\\$\ALL\Previous\KEVIN\Commission Committees Meetings - N-CAC Referral - Follow-up Discussion on the status of naming the Tennis Center at Flamingo Park.doc

EXHIBIT "A"

**Neighborhood/Community Affairs Committee Meeting
May 20, 2013**

Discussion Regarding Status Of The Naming Of The Tennis Center At Flamingo Park

**Neighborhood/Community Affairs Committee Meeting
May 20, 2013**

Discussion Regarding Status Of The Naming Of The Tennis Center At Flamingo Park.
Item C4D, April 17, 2013
(Requested By Mayor Matti Herrera-Bower)

Kevin Smith, Director Parks & Recreation Department

ITEM #10

NCAC #87

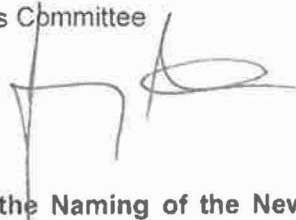
NCAC#177



MIAMI BEACH

MEMORANDUM

TO: Neighborhood/Community Affairs Committee

FROM: Jimmy L. Morales, City Manager 

DATE: May 20, 2013

SUBJECT: Discussion on the Status of the Naming of the New Tennis Center at Flamingo Park

Introduction

In a written request to the Mayor and City Commissioners, dated March 20, 2012, the Flamingo Park Neighborhood Association requested that the new tennis center be named the "Flamingo Park Tennis Center." At its regular meeting on April 17, 2013, the Mayor and City Commission referred the proposal to name the tennis center to the Neighborhoods and Community Affairs Committee, for its consideration and recommendation. Attached is a copy of the April 17, 2013 Commission referral (Attachment A).

Chronology of Naming/Re-Naming of the Flamingo Park Tennis Facilities

1. Under the August 5, 1983 Amended and Restated Agreement between the City and Capital Bank (the 1983 Agreement), in consideration of Capital Bank's agreement to construct certain tennis related improvements in Flamingo Park (which included a stadium with tennis courts, and permanent and portable grandstand seating; fencing; landscaping; sidewalks and pedestrian paths for access to and from the stadium; lighting; an electric scoreboard; a water sprinkling system for the landscaping and tennis court maintenance; and interior conduits for communications facilities; all defined in the Agreement as the "Improvements"), the City agreed:
 - a) to name the Improvements the "Abel Holtz Stadium," in perpetuity; and
 - b) to re-name the entire Flamingo Park tennis facilities from the "Flamingo Park Tennis Center," to the "Flamingo Park – Capital Bank Tennis Center."

Attached please find photographs of examples of the signage following the approval of the 1983 Agreement (Attachment B).

2. Under the 1983 Agreement, the names could not be "removed, altered, or changed unless approved by Capital;" or, if Capital chose to change the name of the Tennis Center, "it should submit the name and appropriate new signage plan to the City for approval and Capital may, thereafter change the signage at its sole cost and expense."

3. In a December 4, 1994 letter to Capital Bank President Daniel Holtz, Mayor Seymour Gelber requested that Capital Bank consent to re-name the "Abel Holtz Stadium" (i.e. the Improvements), by withdrawing Mr. Holtz's name.
4. In a March 16, 1995 letter to Mayor Gelber, Daniel Holtz stated that Capital Bank's Board of Directors had voted to change the name of the Improvements, from the "Abel Holtz Stadium," to the "Holtz Stadium" (with the cost of the change of name to be paid by the Bank).
5. Mayor Gelber acknowledged the name change in his subsequent letter to Mr. Holtz, dated March 21, 1995, stating "I certainly approve the proposals offered by Capital Bank and will be pleased to present this contract modification to our City Commission for approval." The Mayor also sent a memorandum, dated March 23, 1995, to City Manager Roger Carlton, advising him to place any required contractual amendment on a future City Commission agenda for ratification. Notwithstanding, there is no record of the City Commission ever approving an amendment to the 1983 Agreement, or otherwise approving the re-naming.
6. The City effectuated and implemented the 1995 re-naming by removing Abel Holtz's name from the tennis center and leaving only the Holtz family and Capital Bank names. Attached please find dated photographs of examples of the revised signage (Attachment C).
7. In August 8, 2000, in anticipation of the City's proposed future demolition of the existing tennis stadium, and intent to construct a new tennis center complex at Flamingo Park, City Manager Lawrence Levy and Abel Holtz executed a letter agreement with regard to modifications to the existing signage (the 2000 Letter Agreement). The City Manager and Mr. Holtz agreed that, "following the proposed improvements to the Tennis Stadium, and, as stated, in the event the City demolishes the existing Stadium pursuant to said improvements, the City agrees and Mr. Holtz herein consents to, the placement of signage at the south entrance of the new Tennis Center complex, to read "Flamingo Park/Holtz Tennis Center."
8. The 2000 Letter Agreement was not approved by either the City Commission or Capital Bank, the original parties to the 1983 Agreement. In fact, by August 2000, Capital Bank no longer existed.
9. A Resolution of the Mayor and City Commission granting a Certificate of Appropriateness for the demolition of the Holtz Tennis Stadium was approved at the May 16, 2007, City Commission meeting, the tennis stadium was subsequently demolished in July, 2007. Any remaining Improvements constructed by Capital Bank under the 1983 Agreement were also demolished when the new tennis center was built, between May, 2012, and May, 2013. It should be noted that the new tennis center renovations do not include a tennis stadium.

10. The current and proposed signage for the new Flamingo Park tennis center improvements are as follows (Please refer to the Attachment D for additional information):
 - a) proposed new tennis center building naming signage;
 - b) plaques (located on east side pro-shop patio wall);
 - c) way finding signage (temporary to be removed prior to opening of new center); and
 - d) tennis informational/fees sign (temporary to be removed prior to opening of new center).
11. In a written request to the Mayor and City Commissioners, dated March 20, 2012, the Flamingo Park Neighborhood Association requested that the new tennis center be named the "Flamingo Park Tennis Center." At its regular meeting on April 17, 2013, the Mayor and City Commission referred the proposal to name the tennis center to the Neighborhoods and Community Affairs Committee, for its consideration and recommendation.
12. On April 1, 2013, the City of Miami Beach Tennis Advisory Committee (TAC) held a discussed the proposed name and background on the naming of the tennis center at Flamingo Park. Following the discussion, the TAC unanimously approved the following motion:

MOTION: The Tennis Advisory Committee recommends to the City Commission that the tennis center at Flamingo Park be named the Flamingo Tennis Center and also recommends that no name be placed on the tennis center until there is an appropriate public forum and the forum is concluded. A Letter To Commission forwarding this action was subsequently issued on April 23, 2013. (Copy of LTC attached as Attachment E).
13. On April 20, 2013, an article entitled "Miami Beach Tennis Center is still named after Abel Holtz" appeared in the *Miami Herald* (Attachment F). The article provided a history of the tennis center naming process and concluded with a quote from Mr. Holtz that he would " 'feel bad' if his name came off the center, but he wouldn't take any action against the city if that happened". Mr. Holtz also went on to state "None whatsoever, I am willing to waive it, if the city asks for it. I'm not going to do anything to hurt the city".
14. Notwithstanding, the 4/20/13 article, Attorney Clifford Schulman wrote a letter to the City Attorney Jose Smith on behalf of Abel Holtz, dated May 1, 2013, stating that, if required, Mr. Holtz will defend his rights to have the Tennis Center renamed the "Flamingo Park Holtz Tennis Center" (Attachment G).

Neighborhoods/Community Affairs Committee
May 20, 2013
Discussion of the Naming of the Tennis Center at Flamingo Park

Conclusion

The Administration recommends that the discussion concerning the status of the naming of the new tennis center at Flamingo Park be held at the Neighborhood/Community Affairs Committee, and direction given as to the next action(s), if any, to be taken.

JLM/JMT/JS/RA/KS
F:\RCPA\ALL\Previous\KEVIN\Commission Committees Meetings - 2013\NCAC Meeting 5-20-13\N-CAC Referral - Discussion on the status of naming the Tennis Center at Flamingo Park.doc

ATTACHMENT - A

**APRIL 17, 2013, COMMISSION REFERRAL TO
NEIGHBORHOODS/COMMUNITY AFFAIRS**

**DISCUSSION ON THE STATUS OF THE NAMING OF THE TENNIS
CENTER AT FLAMINGO PARK**



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

To: Jimmy Morales, City Manager

From: Matti Herrera Bower, Mayor

Date: April 1, 2013

Re: Commission Agenda Item

Please place on the agenda for the April 17, 2013 Commission Meeting an item to refer to the Neighborhood/Community Affairs Committee a discussion on the status of the naming of the Tennis Center at Flamingo Park.

Should you have any questions, please contact Gabrielle Radfern at Extension 6157.

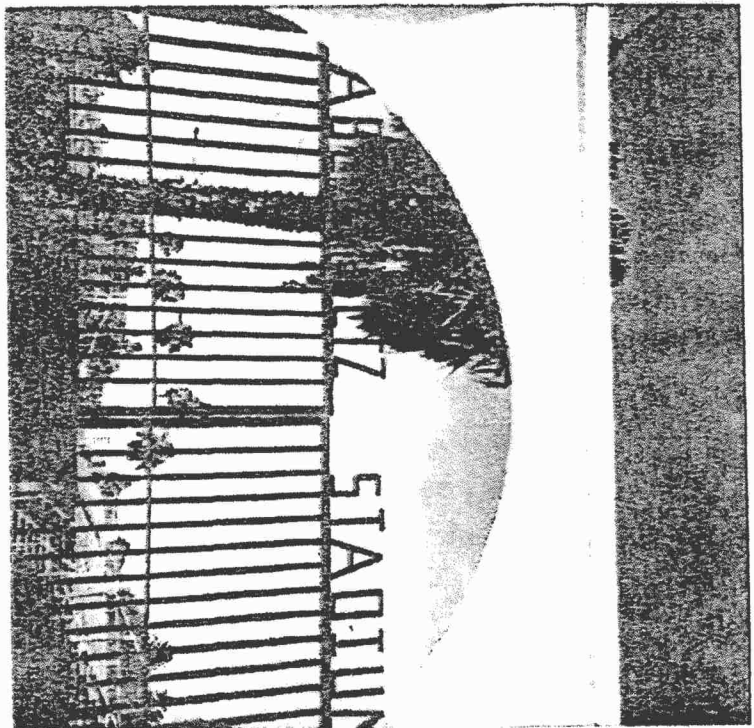
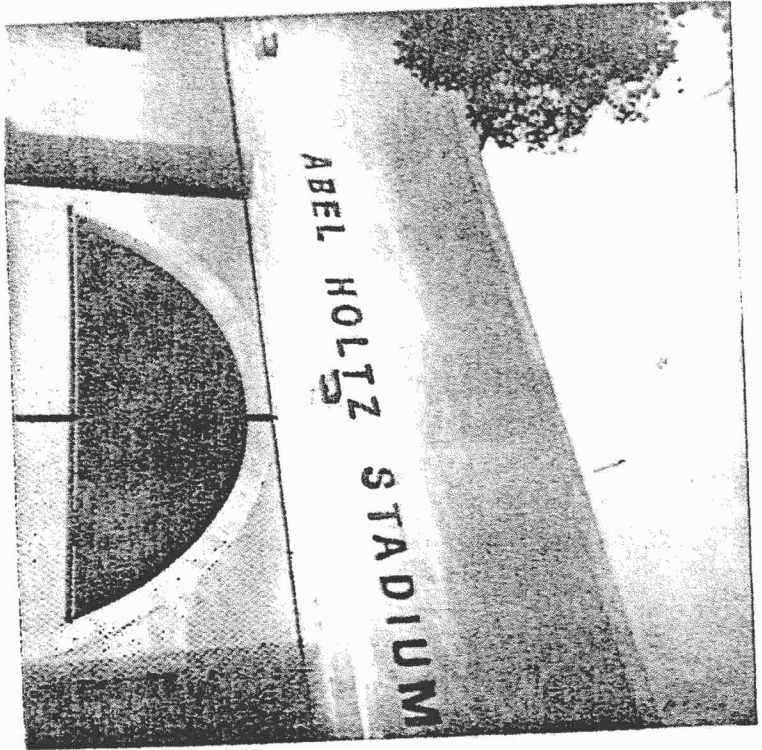
Thank you.

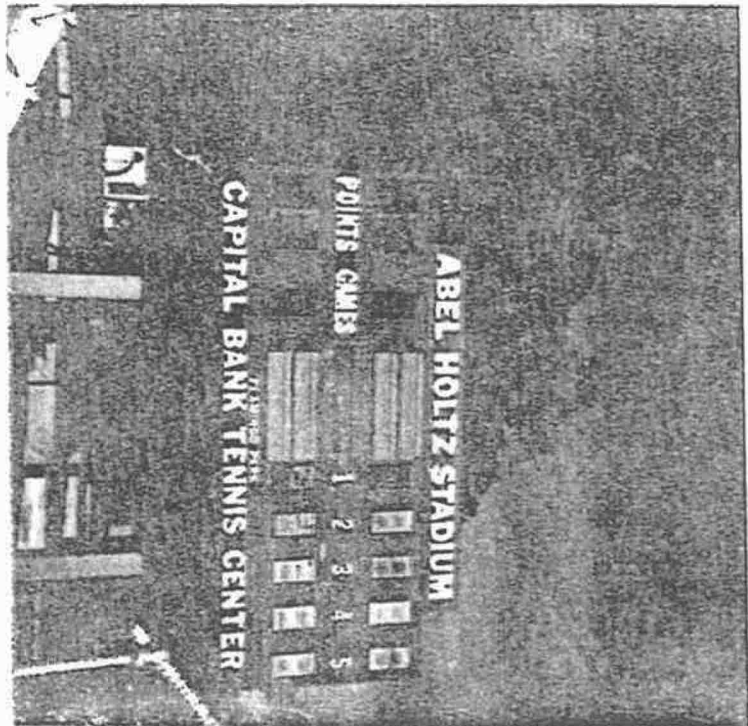
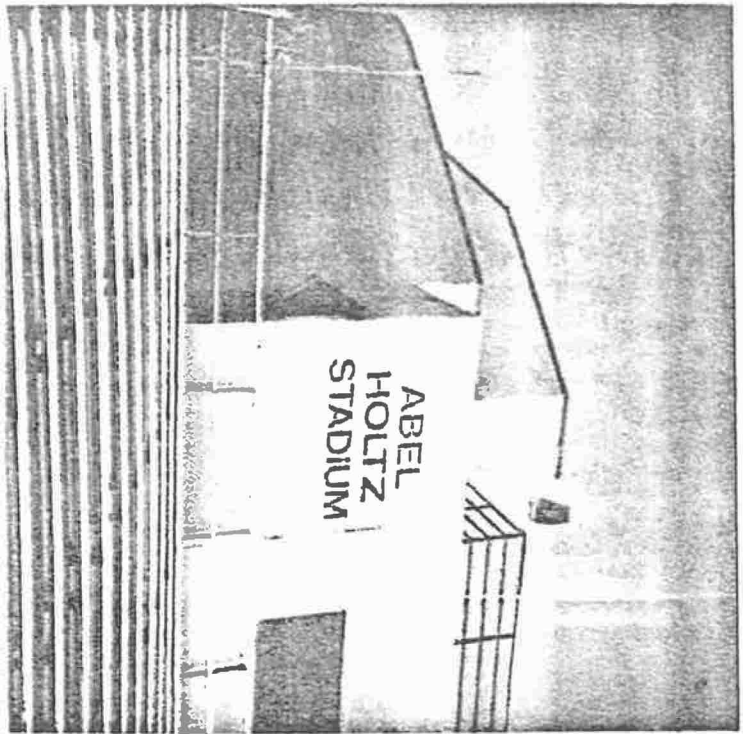
MHB/fgr

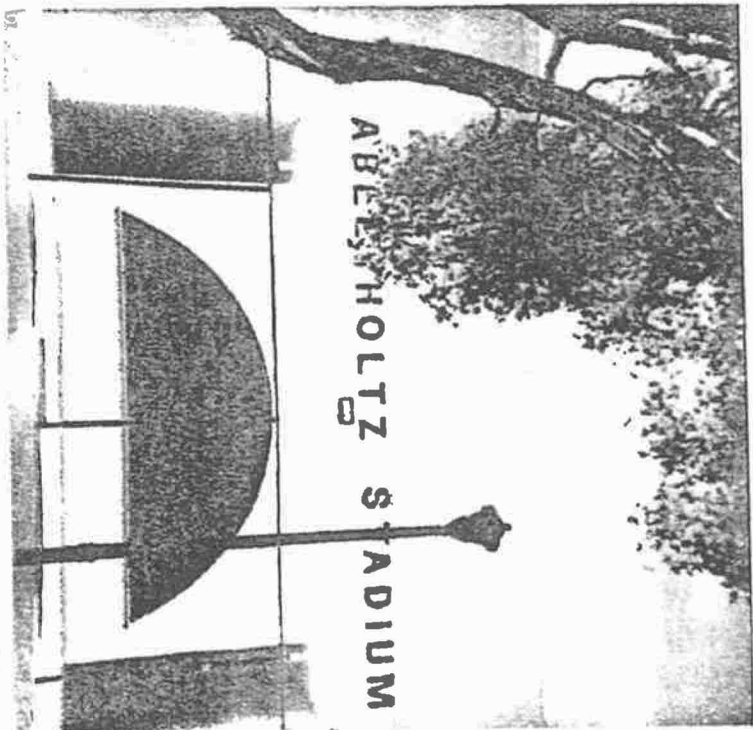
Agenda Item C4D
Date 4-17-13

ATTACHMENT – B

**PHOTOGRAPHS OF EXAMPLES OF SIGNAGE FOLLOWING THE
APPROVAL OF THE 1983 AGREEMENT**

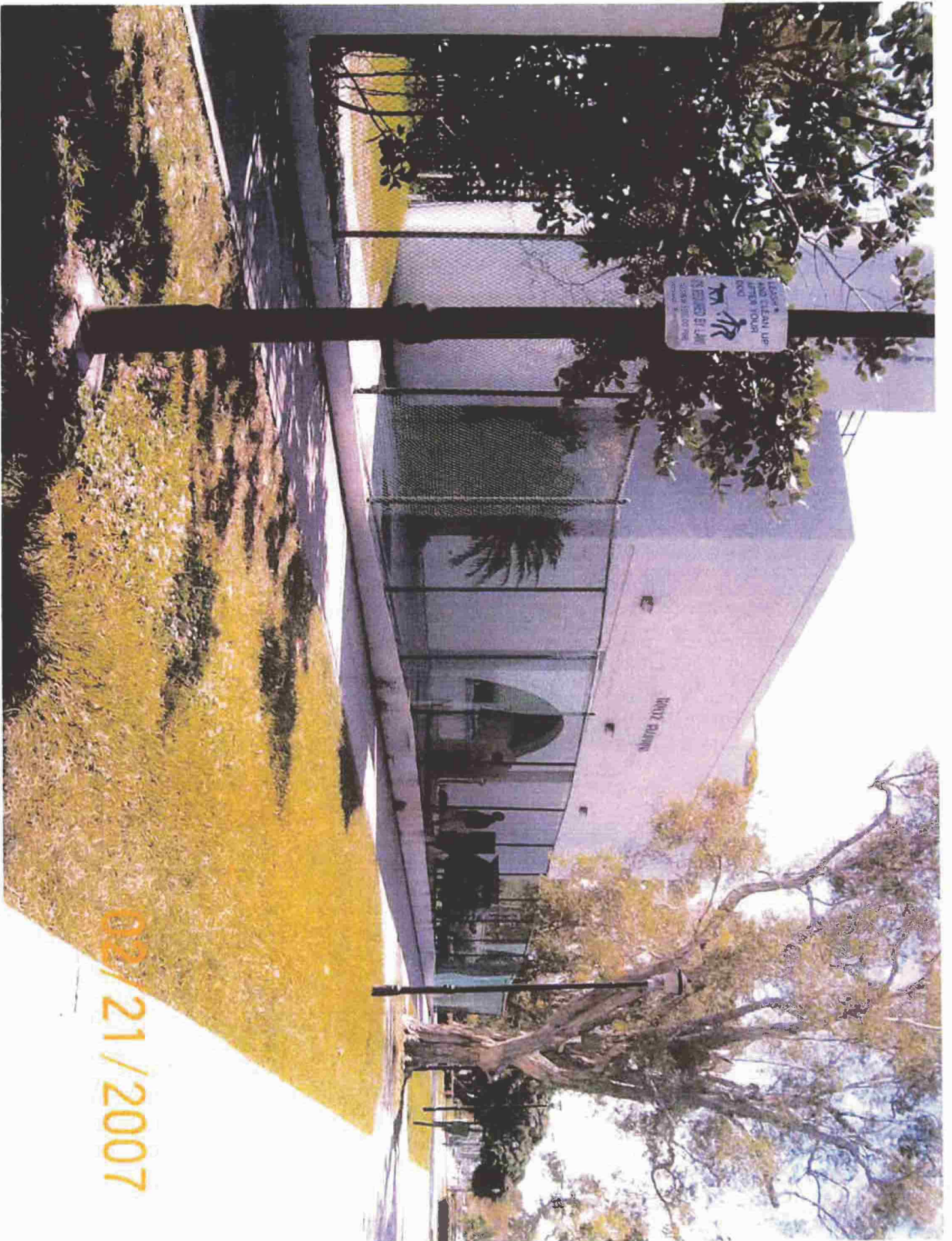


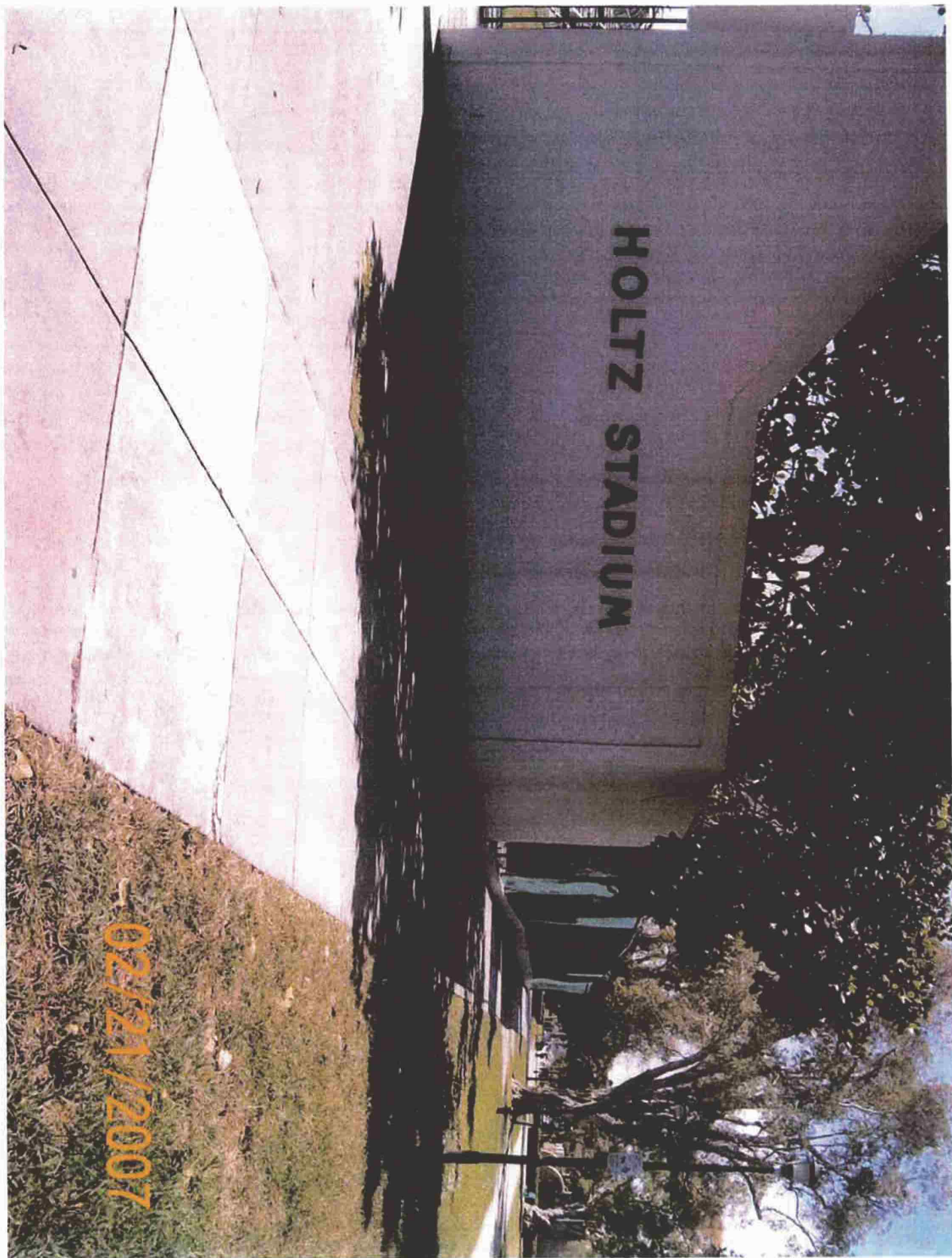


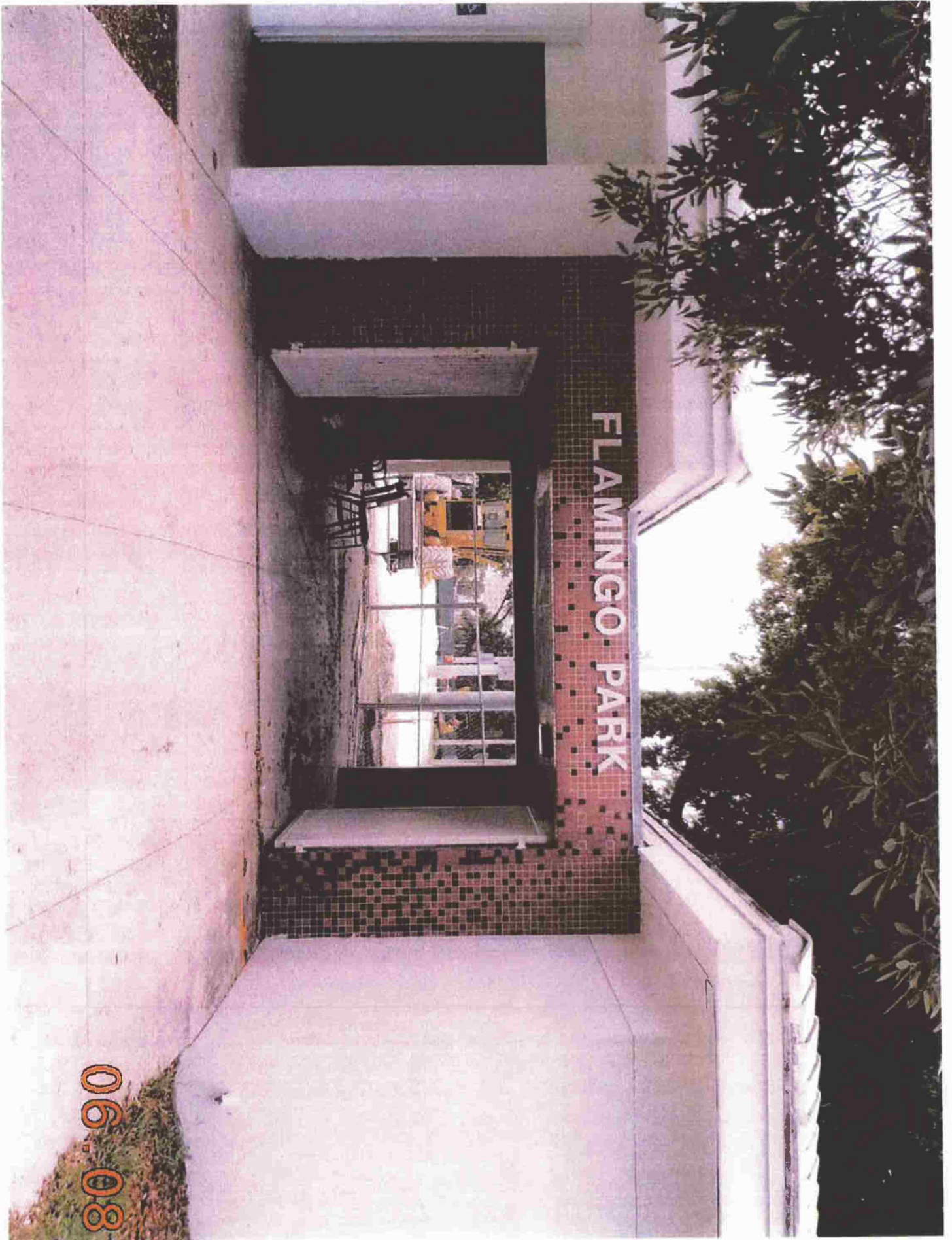


ATTACHMENT - C

**DATED PHOTOGRAPHS OF EXAMPLES OF REVISED SIGNAGE POST
1995 REMOVAL OF ABEL HOLTZ'S NAME FROM THE TENNIS CENTER
ONLY LEAVING HOLTZ FAMILY NAME**







06.08



ATTACHMENT - D

CURRENT AND PROPOSED SIGNAGE FOR THE NEW TENNIS CENTER

Attachment D - 1

Currently Proposed Flamingo Park Tennis Center Naming Signage

Attachment D - 2

Plaques

(Located on east side pro-shop patio wall)

Attachment - D - 3

Way Finding Signage

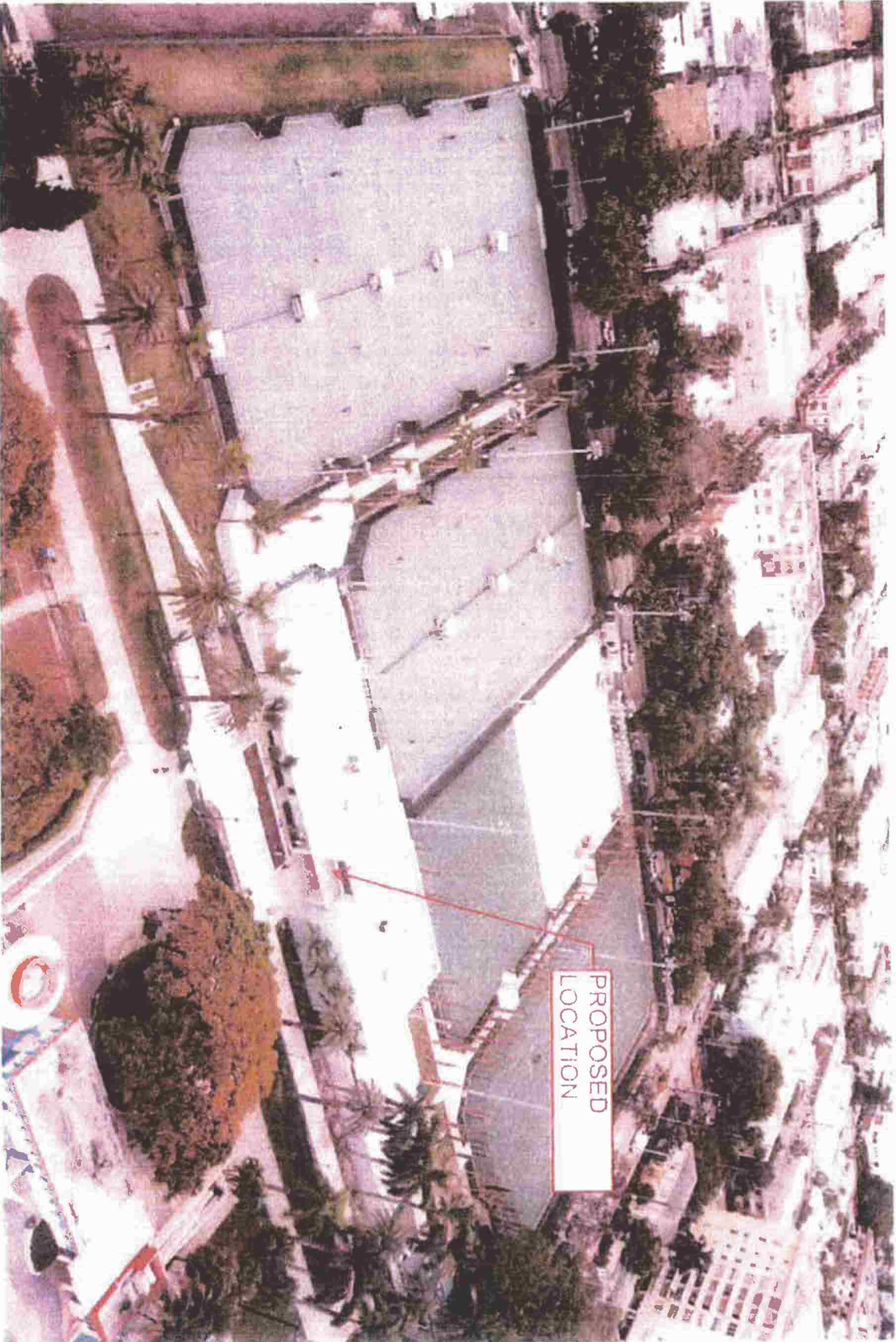
(Temporary to be removed prior to opening of new center)

Attachment - D - 4

Tennis Center Information and Fees Signage

(Temporary and new similar signage will be posted in new center)

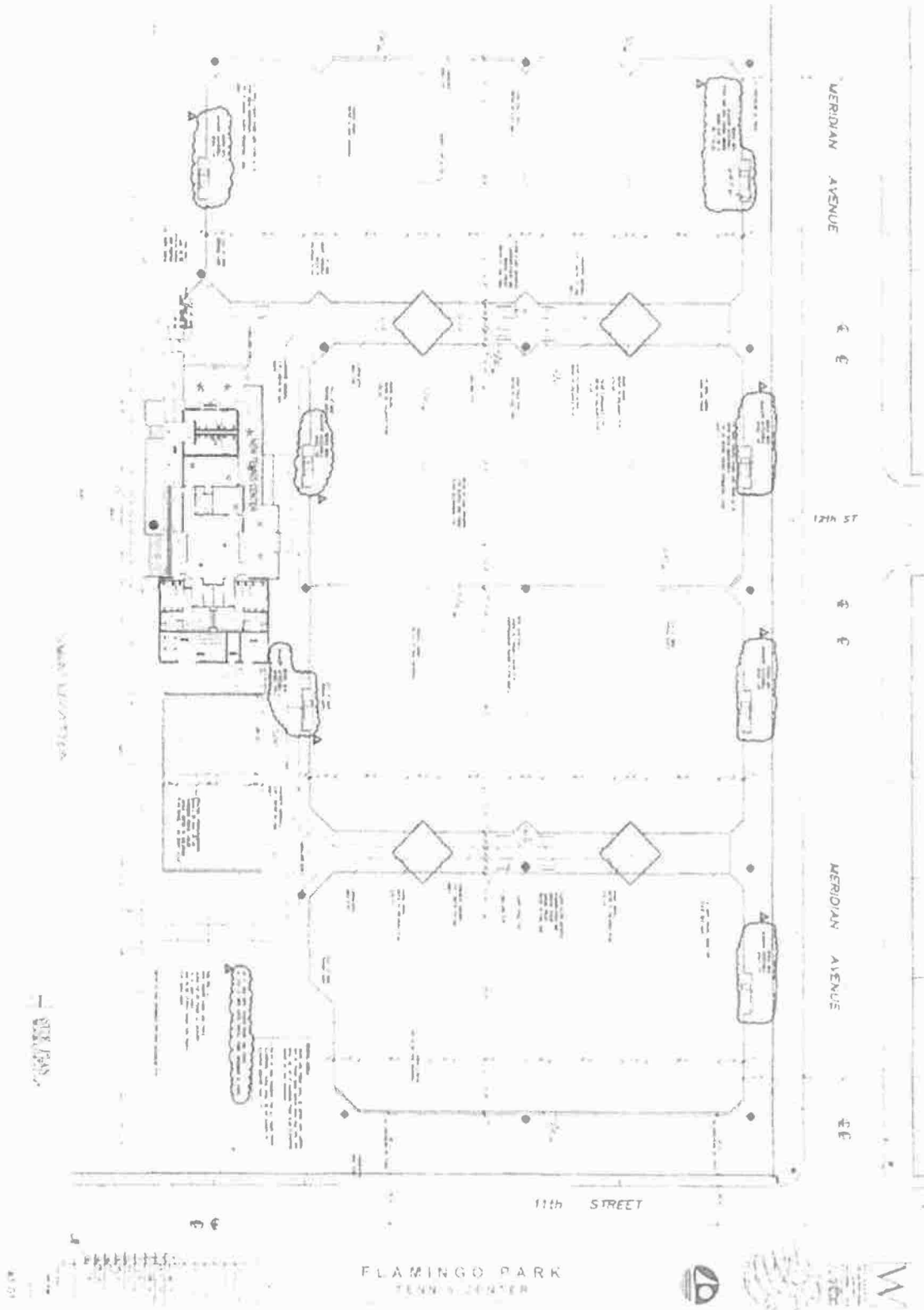
ATTACHMENT: D-1



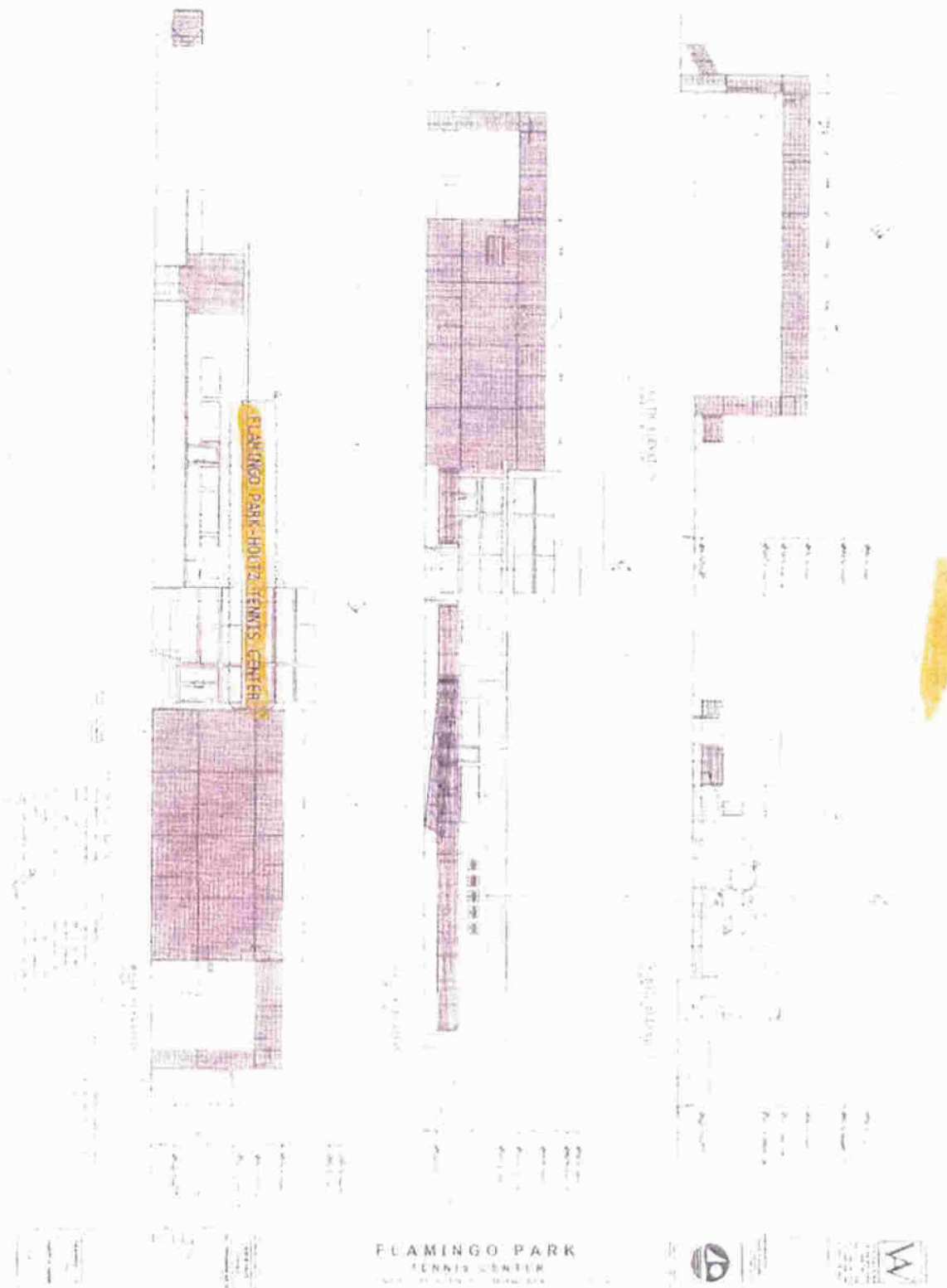
ATTACHMENT: D-1



ATTACHMENT: D-1



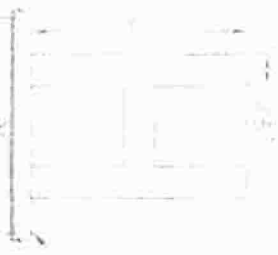
ATTACHMENT: D-1



ATTACHMENT: D-1

FLAMINGO PARK HOLTZ TENNIS CENTER

1. 2x4 ALUM. SUB-TG. ANGLE
WELDED TO ALUM. SUB-TG. CHANNEL
2. CONNECTED TO CONCRETE DECK
W/ ONE 1/2" CAPSCON, 1" TS, EMBED
3/4" BATH STUDS



ELEVATION A



SECTION A
2x4 ALUM. SUB-TG. ANGLE
WELDED TO ALUM. SUB-TG. CHANNEL
W/ ONE 1/2" CAPSCON, 1" TS, EMBED
3/4" BATH STUDS



SECTION B
2x4 ALUM. SUB-TG. ANGLE
WELDED TO ALUM. SUB-TG. CHANNEL
W/ ONE 1/2" CAPSCON, 1" TS, EMBED
3/4" BATH STUDS



FLAMINGO PARK HOLTZ TENNIS CENTER
1200 WEST 10TH AVE. SUITE 100
DENVER, CO 80202
TEL: 303.733.1234 FAX: 303.733.1235

FLAMINGO PARK HOLTZ TENNIS CENTER	DATE: 01/26/2018
1200 WEST 10TH AVE. SUITE 100	BY: [Signature]
DENVER, CO 80202	FOR: [Signature]
TEL: 303.733.1234 FAX: 303.733.1235	

Orange Bowl International Tennis Championships

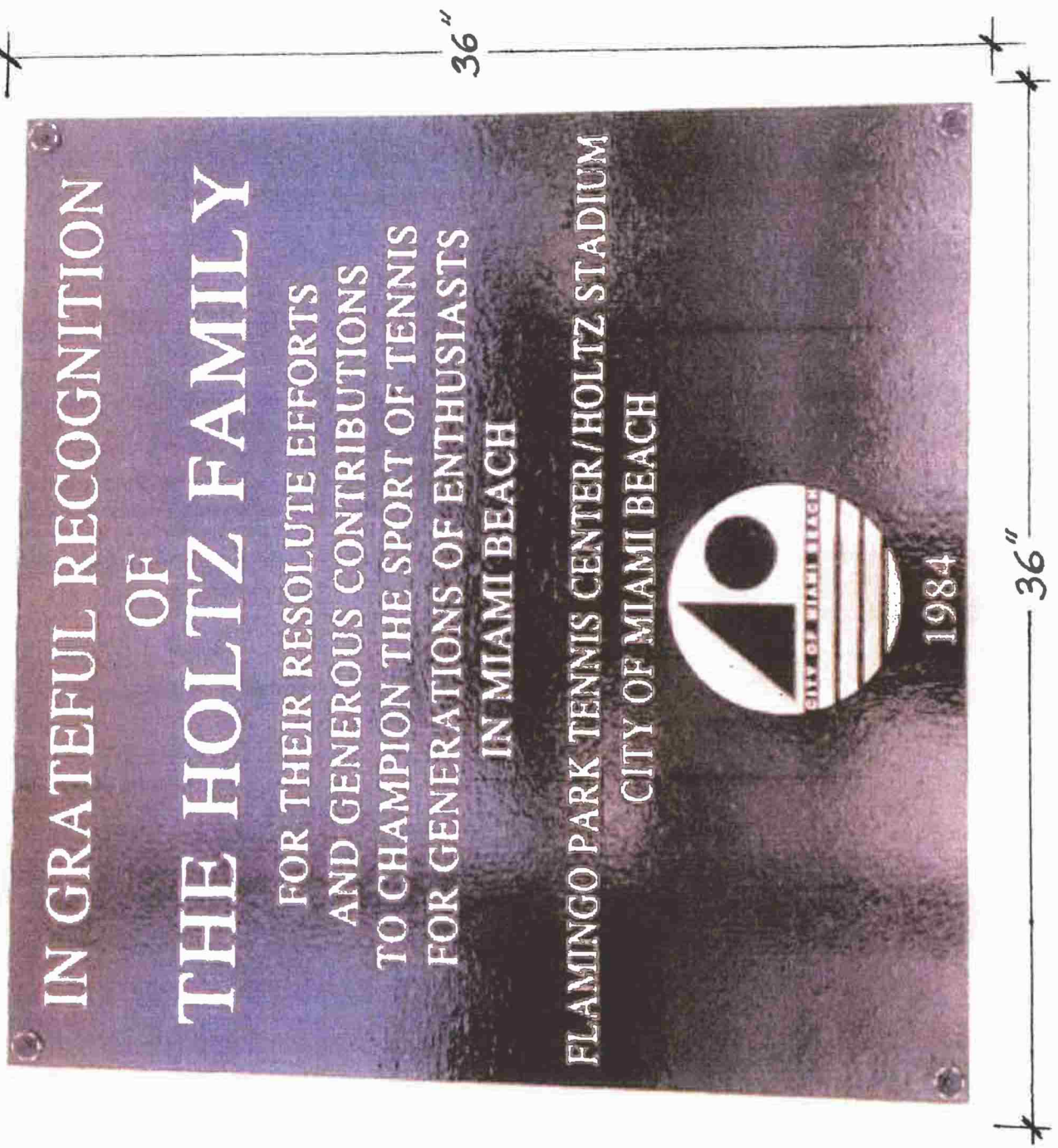
Wall of Champions

Presented by the International Tennis Federation



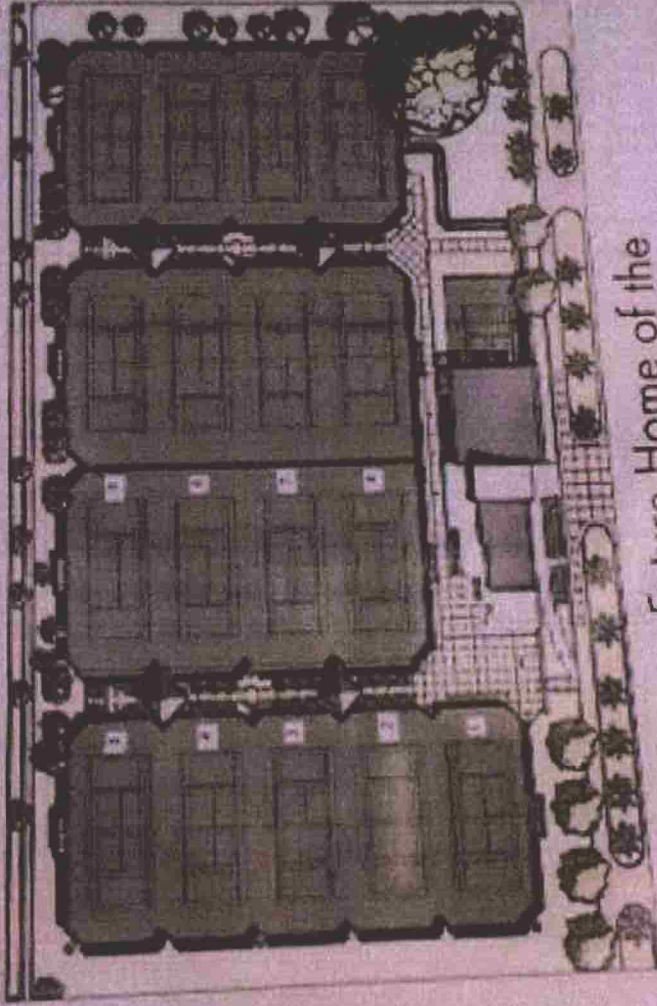
1947	Low McQuinn, USA	1964	Margalle Lara, Mexico	1981	Roberto Argente, ARG
1948	Tommy Davis, USA	1965	Paschos Bartholomew, USA	1982	Penny Berg, USA
1949	Medea Ramirez, Mexico	1966	Paschos Bartholomew, USA	1983	Guy Forget, France
1950	Gil Bogert, USA	1967	Manuel Orantes, Spain	1984	Caring Bassett, Canada
1951	Eliane Lankin, USA	1968	Paschos Bartholomew, USA	1985	Kent Calkins, Sweden
1952	Janice R. Briggs, USA	1969	Mike Eagan, USA	1986	Cedric Seaman, USA
1953	Toby Greenberg, USA	1970	Pat Hogan, USA	1987	Ricky Brown, USA
1954	Benny Grossman, USA	1971	Richard Slocum, USA	1988	Gabriele Sabatini, ARG
1955	Karel Fajstova, USA	1972	Patricia Montano, Mexico	1989	Claudio Pizzarello, Italy
1956	Eddie Ruppert, USA	1973	Harold Solomon, USA	1990	Mary Joe Fernandez, USA
1957	Karel Fajstova, USA	1974	Chris Evert, USA	1991	Javier Sanchez, Spain
1958	Mike Green, USA	1975	Donna Gatz, USA	1992	Petia Targem, ARG
1959	Pat Shaffer, USA	1976	Donna Gatz, USA	1993	Jim Courier, USA
1960	Alice Quist, USA	1977	William Martin, USA	1994	Merita Zvereva, USSR
1961	Marilyn Block, USA	1978	William Martin, USA	1995	Maria Rost, Switzerland
1962	Mike Green, USA	1979	Lynn Eklund, USA	1996	Carla Canningham, USA
1963	Carlos Fernandez, Brazil	1980	Kenneth Lusk, Spain	1997	Fernando Melgarejo, ARG
1964	Mary Ann Macdonell, USA	1981	Lynn Eklund, USA	1998	Lucretia Spas, USA
1965	Chris Crenshaw, USA	1982	John McEwen, USA	1999	Andri Medvedev, USSR
1966	Maria Calkins, Brazil	1983	Winnie Rogers, USA	2000	Pilar Pons, Spain
1967	Ronnie Barnes, Brazil	1984	Ivan Lendl, Czechoslovakia	2001	Marcelo Charpentier, ARG
1968	Carol Hank, USA	1985	Anne Smith, USA	2002	Elena Likhovarts, KAZ
1969	Jose Luis Arria, Spain	1986	Gabriel Urpi, Spain	2003	Vicent Spas, USA
1970	Bandy Warkner, USA	1987	Andrea Jaeger, USA	2004	Barbara Udel, Slovenia
1971	Billy Lenoir, USA	1988	Raul Yrujo, Ecuador	2005	Albert Costa, Spain
1972	Carol Ann French, USA	1989	Kathleen Harrel, USA	2006	Angelika Montolio, Spain
1973	Mike Bellin, USA	1990	Joel W. Harrison, Sweden	2007	Nicolas Pietrangeli, Ecuador
1974	Judy Abruzzo, USA	1991	Susan MacLennan, USA	2008	Martin Roman, Spain
1975	Anthony Roche, Australia			2009	Merino Zabala, Argentina
1976	Stephanie Deha, USA			2010	Anne Kornikova, Russia
1977	Thomas Koch, Brazil				
1978	Paschos Bartholomew, USA				

Flamingo Park, Miami Beach



ATTACHMENT: D-3

MIAMI BEACH



Future Home of the
Flamingo Park - Holtz Tennis Center

TEMPORARY PRO

ATTACHMENT: D-3

**Entrance to Tennis Courts
All visitors must check-in
before using courts.**



**TEMPORARY PRO
SHOP**

ATTACHMENT: D-3

**TEMPORARY PRO
SHOP**

↑

Entrance to Tennis Courts

↓

ATTACHMENT: D-4

MIAMI BEACH

Parks & Recreation

Welcome to Flamingo Park

TENNIS CENTER

305-673-7761

HOURS OF OPERATION

Monday - Friday 8:00 a.m. - 9:00 p.m.
Saturday & Sunday 8:00 a.m. - 8:00 p.m.

MEMBERSHIP FEES

Annual Pass (effective 10/01 - 09/30)	Residents	Non-residents
Adult	\$210	\$550
Senior (65+)	\$175	\$425
Junior (under 18)	\$75	\$250
Family	\$500	\$1,250
Light Fee	\$1.50	\$1.50
(light fee for night play)		

COURT FEES

	Residents	Non-residents
Hourly rate	\$5	\$10
Light Fee	\$1.50	\$1.50
(light fee for night play)		

PROGRAM FEES

PARENT AFTER SCHOOL CLINIC

(Children enrolled in After school program)

\$25

JR. AFTER SCHOOL PROGRAM

Per Class

Academy	\$50
Tournament Fee Waiver	\$40
Jr. Academy	\$20
Fee Waiver	\$20

JUNIOR & ADULT MINI CAMP

Daily	\$52
Weekly	\$215

TENNIS SUMMER CAMP

Full - Day (for the week)	\$400
Half Day (for the week)	\$215
Full - Day	\$90
Half Day (Juni)	\$52

ADULT CLINIC

Per Class

Adult Clinic	\$20
Match Tough	\$20

PRIVATE LESSON

Hourly Rate

Staff Tennis Professionals	\$60
Tom Mar	\$75
James Bollenster	\$75
Victor Wietern	\$75

TENNIS LADDER

Per session	\$20
-------------	------

* Tennis instruction provided by GSI Bollenster
www.gsiBollenster.com
* For additional recreation programming visit
www.miamibeachparks.com

If you do not receive a RECEIPT, your next visit is on us!
..... CUSTOMER SATISFACTION IS OUR GOAL
Please send us your feedback.

ATTACHMENT E

**COPY OF THE APRIL 23, 2013 LETTER TO COMMISSION FORWARDING
THE CITY'S TENNIS ADVISORY COMMITTEE'S MOTION THAT THE
TENNIS CENTER AT FLAMINGO PARK BE NAMED THE FLAMINGO
PARK TENNIS CENTER.**



MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC # 140-2013

LETTER TO COMMISSION

RECEIVED
2013 APR 25 PM 12:16
CITY CLERK'S OFFICE

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: April 23, 2013

SUBJECT: Tennis Advisory Committee Motion

The purpose of this Letter to Commission is to inform you that the Tennis Advisory Committee passed a motion at their April 1, 2013 meeting.

Naming of the Tennis Center at Flamingo Park

The Tennis Advisory Committee discussed the proposed name and the background on the naming of the facility. As such, the following motion was proposed:

MOTION: The Tennis Advisory Committee recommends to the City Commission that the tennis center at Flamingo Park be named the Flamingo Park Tennis Center and also recommends that no name be placed on the tennis center until there is an appropriate public forum and the forum is concluded.

Members Present: David Berger, Gayle Durham, Dolores Hirsh, Carrie Johnson and Tegan Eve.

Motion Made By: David Berger
Motion Seconded By: Gayle Durham
Motion Passed: Votes 5-0

JLM/MPK/S/c

c: Mark Taxls, Assistant City Manager
Kevin Smith, Parks & Recreation Director
Julio Magrisso, Assistant Parks & Recreation Director

ATTACHMENT F

**APRIL 20, 2013, MIAMI HERALD ARTICLE ENTITLED
"MIAMI BEACH TENNIS CENTER IS STILL NAMED AFTER ABEL HOLTZ"**

The Miami Herald

Posted on Sat, Apr. 20, 2013

Miami Beach tennis center is still named after Abel Holtz

By Christina Veiga
The Miami Herald



CARL JUSTE / MIAMI HERALD STAFF

Holtz Tennis Center is still under construction. A sign at Flamingo Park announces the new park facility grand opening date in the summer of 2013.

There's the street in downtown Miami. The children's hospital at Jackson Memorial. And now, the tennis center in Miami Beach.

All bear the name of Abel Holtz: former banker, generous philanthropist and convicted felon.

Many remember the Miami Beach tennis stadium that was named after him. That was before Holtz pleaded guilty in 1994 to lying to a grand jury about making secret payments to a famously corrupt Miami Beach mayor.

The stadium is long gone, but a separate tennis center still stands. After years of

work and millions of public dollars poured into renovations, that center is slated to reopen soon.

Signs on site declare: Flamingo Park Holtz Tennis Center.

"It's scandalous," said Gayle Durham, who sits on the Beach's Tennis Advisory Committee.

She's not just talking about the name. Tennis enthusiasts also wonder about the process that landed Holtz's name there.

As it turns out, it was a process involving contract obligations that the city might no longer be bound by — a contract that Holtz himself, now 78, told The Miami Herald he wouldn't try to enforce.

Before he went to prison, Abel Holtz was an influential banker. He escaped Castro's Cuba and went on to build Capital Bank, which made him a multimillionaire.

Holtz spread his wealth, donating generously to organization such as Miami's Children's Hospital. He also built a tennis stadium that he donated to Miami Beach.

Built on city land, it cost \$550,000, according to news reports at the time, and was called Abel Holtz Stadium. He gave the city favorable terms on a loan that was used to renovate the separate, nearby tennis center. In return, the center was renamed the Flamingo Park-Capital Bank Tennis Center.

To seal the deal, the city in 1983 entered into a contract with Capital Bank. According to the contract, the stadium would keep the name "in perpetuity," and the center name would not be "removed, altered or changed unless approved by Capital" and unless the city agreed.

At the same time he was building his stadium, Holtz was buying political influence, said former Miami Beach Mayor Alex Daoud.

Daoud was a young lawyer and a Miami Beach city commissioner when he first met Holtz at the banker's waterfront Venetian Islands mansion. It was there that Holtz first offered him a bribe, Daoud said in a telephone interview with The Miami Herald. Daoud said he was paid between \$1,000 and \$1,500 a month in "legal fees" for services he never provided.

"It was for influence," Daoud said. "He bribed me."

Daoud, who went on to serve three terms as mayor, was pocketing money from plenty of other people. His political career ended in 1991, when he was slapped with a 41-count federal indictment charging him with racketeering, extortion, money-laundering and filing false tax returns. The disgraced mayor testified that he had accepted the payments from Holtz.

Daoud was sentenced to five years in prison, but served only about 18 months.

Pleading guilty

Holtz, meanwhile, pleaded guilty in October 1994 to lying to a grand jury about the payments. His conviction meant he could no longer run his bank, so his son, Daniel Holtz, was put in charge.

The city, meanwhile, pondered what to do with its tennis stadium, which now bore the name of a criminal tied to one of the most infamous chapters in Miami Beach history. Contractually, the city needed Capital Bank's permission before it could change the name.

Then-Mayor Seymour Gelber shot off a letter to Daniel Holtz in December 1994, asking the bank to remove Abel Holtz's name from the stadium.

Daniel Holtz responded in March 1995 that the bank's directors voted to drop Abel's name and call the facility simply "Holtz Stadium."

Holtz goes on to say that signs at the tennis center should read: "Capital Bank Tennis Center," taking out "Flamingo Park" from the name.

By 2000, the tennis stadium was no longer in use, and the city wanted to tear it down. So Beach officials met with Abel Holtz and got his permission to do so. At that time, he and

the city also agreed on a new name for the center: The Flamingo Park Holtz Tennis Center.

The meeting and the naming agreement are outlined in a 2000 letter written by Raul Aguila, who is now a chief deputy city attorney.

"That never went through any public hearing or any notification or any commission vote," said Rebecca Boyce, who runs a tennis program out of Flamingo Park." It was done in a back-room deal."

In addition to the perceived secrecy of the deal, tennis enthusiasts also wonder: Why did the city negotiate with Holtz at the time?

Remember: The contract regarding naming rights was made between the city of Miami Beach and Capital Bank. But by 2000, Holtz's bank no longer existed.

Capital loss

After his felony conviction forced him to transfer control of Capital Bank to his family, a judge ruled that the Holtz family did not have the "character, reputation, experience and financial responsibility to control and operate" the bank. The Holtzes were forced to sell their empire to Union Planters (which eventually merged with Regions Bank).

"The contract gave Capital Bank, not Abel Holtz, the right to change the name on the tennis facility. Once Abel Holtz lost control of Capital Bank, he no longer had any authority under the contract," University of Miami law professor Andrew B. Dawson wrote in an email to the Herald. He read the contract for the newspaper.

But Aguila, the city attorney, laid out several reasons why Holtz might still have authority over naming rights at the center. The attorney emphasized that he wasn't advocating for the name, but simply trying to protect the city from any legal action Holtz might take against the city.

Among the reasons:

- Abel Holtz "had, in effect, been Capital Bank," he wrote in an email. Therefore, he had "standing," a legal term that basically means Holtz has a legal stake in the issue.
- Holtz is a "beneficiary" of the 1983 contract. In other words, he is someone who was not a party to the contract but who still receives a benefit from that contract — like the beneficiary of a life insurance policy.

Arguing that Holtz is a beneficiary to the contract "may be a stretch," wrote Dawson, the UM professor.

WHAT HOLTZ SAYS

Abel Holtz, who now lives in Bal Harbour, says he doesn't understand why someone would be against his name being on the tennis center.

"It's either someone we turned down for a loan, or a maybe we never got along and socialized with, or something like that," he theorized.

Holtz said he staged competitions at the old stadium, which brought prestige to the city. He also said he gave the city money over the years to pay for the center's upkeep.

He said he would "feel bad" if his name came off of the center, but he wouldn't take any action against the city if that happened.

"None whatsoever. I'm willing to waive it, if the city asks for it. I'm not going to do anything to hurt the city," he said.

The City Commission has referred the name issue to an advisory committee.

This story has been corrected to reflect that the tennis center name was changed in 1995 to simply "Capital Bank Tennis Center."

Follow [@Cveiga](#) on Twitter.

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ATTACHMENT G

**MAY 1, 2013 CORRESPONDENCE FROM ATTORNEY CLIFFORD SCHULMAN
ON BEHALF OF ABEL HOLTZ ADVISING THE CITY MR. HOLTZ WILL DEFEND
HIS RIGHTS TO HAVE THE TENNIS CENTER RENAMED THE "FLAMINGO
PARK HOLTZ TENNIS CENTER".**

WEISS SEROTA HELFMAN
PASTORIZA COLE & BONISKE, P.L.

MITCHELL BIERMAN, P.A.
NINA L. BONISKE, P.A.
MITCHELL J. BURNSTEIN, P.A.
JAMIE ALAN COLE, P.A.
STEPHEN J. HELFMAN, P.A.
GILBERTO PASTORIZA, P.A.
MICHAEL S. POPOK, P.A.
JOSEPH H. SEROTA, P.A.
SUSAN L. TREVARTHEN, P.A.
RICHARD JAY WEISS, P.A.
DAVID M. WOLPIN, P.A.

DANIEL L. ABBOTT
GARY L. BROWN
JONATHAN M. COHEN
IGNACIO G. DEL VALLE
JEFFREY D. DECARLO
ALAN L. GABRIEL
DOUGLAS R. GONZALES
EDWARD G. GUEDES
JOSEPH HERNANDEZ
JOSHUA D. KRUT
MATTHEW H. MANDEL
ANTHONY L. RECIO
BRETT J. SCHNEIDER
CLIFFORD A. SCHULMAN
ABIGAIL WATTS-FITZGERALD
LAURA K. WENDELL
JAMES E. WHITE

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*OF COUNSEL

May 1, 2013

VIA E-MAIL & U.S. MAIL

ADRIAN J. ALVAREZ
LILLIAN M. ARANGO
SARA E. AULISIO
ROBERT H. DE FLESCO
BROOKE P. DOLARA
RAQUEL ELEJABARRIETA
CHAD S. FRIEDMAN
ERIC P. HOCKMAN
HARLENE SILVERN KENNEDY*
KAREN LIEBERMAN*
JOHANNA M. LUNDGREN
ALEIDA MARTÍNEZ MOLINA*
KATHRYN M. MEHAFFEY
ROBERT A. MEYERS*
MATTHEW PEARL
JOHN J. QUICK*
TIMOTHY M. RAVICH*
AMY J. SANTIAGO
GAIL D. SEROTA*
JONATHAN C. SHAMRES
ESTRELLITA S. SIBILA
ALISON F. SMITH
ANTHONY C. SOROKA
EDUARDO M. SOTO
JOANNA G. THOMSON
PETER D. WALDMAN*
SAMUEL I. ZESKIND

Jose Smith, Esq.
City Attorney
City of Miami Beach
1700 Convention Center Drive, 4th Floor
Miami Beach, FL 33139

Re: Naming of Flamingo Park Holtz Tennis Center

Dear Mr. Smith:

My client, Mr. Abel Holtz, has just recently returned to town and has only just reviewed the Miami Herald article dated April 20, 2013 where the Herald reporter stated:

"He said he would 'feel bad' if his name came off of the center, but he wouldn't take any action against the city if that happened.

'None whatsoever. I'm willing to waive it, if the city asks for it. I'm not going to do anything to hurt the city,' he said."

My client would like you to know that the above statements were taken out of context and only referred to certain provisions in the original 1983 contract, and not with changes made thereafter in 1999 and 2000, which eventually led to the City's agreement to rename the stadium as the "Flamingo Park Holtz Tennis Center". Mr. Holtz wanted to make sure you are aware that he will, if required, defend his right to have the Center so named.

It is our understanding that this matter is to be discussed at the City's Neighborhood and Community Affairs Committee, presently scheduled for May 20th. Please provide us with any

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CITY ATTORNEY'S OFFICE

Jose Smith, Esq.
May 1, 2013
Page 2

memos directed to the Committee from the Manager, City Attorney or staff, so that we can review prior to the meeting.

Thank you for your considerations.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Clifford A. Schulman", with a long horizontal flourish extending to the right.

Clifford A. Schulman

CAS/msr
2035.001
cc: Mr. Abel Holtz
Raul Aguila, Esq.
James Morales, Esq.

EXHIBIT "B"

City Commission Memorandum

June 5, 2013

Agenda Item - R7I

A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee Not To Name The New Tennis Center At Flamingo Park (The Center) The "Flamingo Park Tennis Center," As Proposed By The Flamingo Park Neighborhood Association And, Further, To Keep The Existing Proposed Name Of The Center As The "Flamingo Park/Holtz Tennis Center," In Accordance With The Intent Of The Prior Agreement(s) Entered Into By The City.

(City Attorney's Office)



MIAMI BEACH

OFFICE OF THE CITY ATTORNEY

JOSE SMITH, CITY ATTORNEY

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Raul J. Aguila, Chief Deputy City Attorney

CC: Jimmy L. Morales, City Manager

DATE: June 5, 2013

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOODS AND COMMUNITY AFFAIRS COMMITTEE NOT TO NAME THE NEW TENNIS CENTER AT FLAMINGO PARK (THE CENTER) THE "FLAMINGO PARK TENNIS CENTER," AS PROPOSED BY THE FLAMINGO PARK NEIGHBORHOOD ASSOCIATION AND, FURTHER, TO KEEP THE EXISTING PROPOSED NAME OF THE CENTER AS THE "FLAMINGO PARK/HOLTZ TENNIS CENTER," IN ACCORDANCE WITH THE INTENT OF THE PRIOR AGREEMENT(S) ENTERED INTO BY THE CITY**

BACKGROUND

At its regular meeting on May 20, 2013, the Neighborhoods and Community Affairs Committee (Committee) considered a proposal by the Flamingo Park Neighborhood Association to name the new tennis center at Flamingo Park, the "Flamingo Park Tennis Center." In conjunction with this proposal, the Committee also held a broader discussion with regard to the history of the naming of the previous tennis center at Flamingo Park which, until it was demolished (between May 2012 and May 2013) to make way for the new center, had been named the "Holtz Stadium." The 5/20/13 Committee Memorandum, attached as Exhibit "A" hereto, set forth the chronology and relevant facts with regard to the history of the naming; which chronology/history is again summarized below.

TENNIS CENTER NAMING CHRONOLOGY/HISTORY

I. 1983 – TENNIS STADIUM NAMED "ABEL HOLTZ STADIUM" AND TENNIS CENTER NAMED "FLAMINGO PARK – CAPITAL BANK TENNIS CENTER"

In 1983, the City approved and entered into an agreement (the 1983 Agreement) with Capital Bank (Capital) under which Capital agreed to fund and construct the old tennis center improvements, including the tennis stadium, in exchange for the naming rights to the center and stadium. The tennis stadium would be named the "Abel Holtz Stadium," in perpetuity; and the overall tennis center improvements would be named the "Flamingo Park-Capital Bank Tennis Center." The aforesaid names could not be removed or

Agenda Item R7I
Date 6-5-13

changed without the prior approval of Capital. The City also agreed that the "character" of the improvements would remain as a tennis stadium unless Capital approved a proposed change in character, or unless the use of the entire Flamingo Park property were changed.

II. 1995 - NAME CHANGED FROM "ABEL HOLTZ STADIUM" TO "HOLTZ STADIUM"

In 1995, following a 1994 written request by Mayor Gelber to Capital Chairman Daniel Holtz, Capital consented to and agreed to a name change from the "Abel Holtz Stadium," to the "Holtz Stadium" (the 1995 Agreement). While the Mayor's request complied with the 1983 Agreement, in that it sought to obtain Capital's consent for the City-requested name change, the action was not ratified by the entire City Commission. Nevertheless, the City implemented the name change; the new signage was paid for by Capital; and—thereafter—the tennis center name was changed to "Holtz Stadium;" which named remained until demolition of the center, between 2012-13.

III. 2000 – NAMING OF PROPOSED NEW TENNIS CENTER, "FLAMINGO PARK HOLTZ TENNIS CENTER"

In 2000, in anticipation of the City's proposed demolition of the tennis stadium and tennis center improvements (constructed under the 1983 Agreement) to make way for the proposed construction of a new tennis center, the City Manager and Abel Holtz executed a letter agreement, attached as Exhibit "B" hereto, which agreed that, in the event the City demolished the existing Stadium (which it did), the City agreed, and Mr. Holtz consented to, "the placement of signage at the south entrance of the new Tennis Center complex, to read "Flamingo Park/Holtz Tennis Center"(the 2000 Agreement).

ANALYSIS

While the City acknowledges the factual arguments made by the Flamingo Park Neighborhood Association (the Association) in opposition to the name change under the 2000 Agreement (i.e. that the 2000 Agreement was not: 1) ratified by the City Commission [it was executed by the City Manager]; 2) executed by Capital [or—since Capital no longer existed—by a successor bank]; or 3) submitted for approval as a proposed naming, or re-naming under the City's existing Naming Ordinance at that time), the City's intent under such Agreement was not to circumvent the City Commission or the Naming Ordinance. Rather, the City—whether erroneously or not—believed that the steps it took to change the name under the 2000 Agreement were valid, in that it followed substantially the same process that had been taken in 1995 (when, pursuant to the 1995 Agreement, the name was changed to "Holtz Stadium").

The City presumed that the 1983 Agreement created a continuing contractual obligation (which predated the enactment of any City Naming Ordinance) which required the City to keep the name "Holtz Stadium" on any overall tennis improvements in Flamingo Park, in perpetuity, unless the City obtained Capital's consent for a new name. Since Capital no longer existed in 2000, and considering that the original 1983 transaction came about as a result of the efforts of then Capital Chairman, Abel Holtz (who also executed the 1983 Agreement), the City also presumed—whether erroneously or not—that Capital was the Holtz family and that, therefore, Abel Holtz would be the proper party, on behalf of the Holtz family, to execute any subsequent agreement in Capital's stead.

Finally, the 2000 Agreement also accomplished two significant things for the City: 1) It obtained Capital/Holtz's consent for demolition of the old tennis stadium and other tennis center improvements, in the event that Capital/Holtz were to subsequently argue that, by constructing a new tennis center, the City was changing the "character" of the original improvements to something other than a tennis stadium; and, more importantly, 2) it got Capital/Holtz to consent to the inclusion of "Flamingo Park" as part of the name change (i.e. The tennis center would no longer be known as just the "Holtz Stadium," but rather as the "Flamingo Park Holtz Tennis Center").

The Association has rejected the aforesaid arguments in support of the City's reasons for—until now—proceeding to name the facility the "Flamingo Park Holtz Tennis Center," and has instead proposed that the tennis center be named the "Flamingo Park Tennis Center." In accordance with the City's Naming Ordinance, the Association's naming proposal was referred to, and considered by, the Committee at its May 20, 2013 Meeting. Following a presentation of the item by the City Attorney's Office; comments from members of the public (including Abel Holtz); and discussion among the members present, the Committee recommended keeping the name of the facility as the "Flamingo Park Holtz Tennis Center," as intended by the City under the relevant agreements set forth above. Following the Committee's vote, members of the public who supported the Association's naming proposal (i.e. "Flamingo Park Tennis Center"), but who arrived after the vote, were asked whether they wished to make any public comments on the item. The Committee clarified that, although it had already heard the item, taken action, and made its recommendation, the matter would now be forwarded to the City Commission, at which time the Commission could either accept the Committee's recommendation or take such other action as it deemed necessary.

RECOMMENDATION

The City Commission may proceed with one (1) of the following options:

Option 1 - Accept the Committee's recommendation to keep the proposed existing name of the facility as the "Flamingo Park Holtz Tennis Center," in acknowledgement of the City's intent based on the prior history regarding the naming of the tennis improvements, including the aforesaid prior Agreements. As this option also effectively denies the Association's proposed naming request for the tennis center (i.e. "Flamingo Park Tennis Center"), no further action would be required with respect to such proposal; or

Option 2 - Not accept the Committee's recommendation, and take such other action as the City Commission deems necessary; provided, however, that if the City Commission desires to proceed with the Association's proposal to name the tennis center the "Flamingo Park Tennis Center," it would then have to refer that name back to the Committee for further consideration since, under the Naming Ordinance, the City Commission can only consider a name that has been approved by a majority of the Committee.

Additionally, it should be noted that, should the City Commission elect to proceed with *any* proposal to change the name of the tennis center, it has already been put on notice of the likelihood of a legal challenge by Mr. Holtz, to defend his right (under the aforesaid Agreements) to have the tennis center named the "Flamingo Park Holtz Tennis Center."

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We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.



MIAMI BEACH

MEMORANDUM

TO: Neighborhood/Community Affairs Committee

FROM: Jimmy L. Morales, City Manager

DATE: May 20, 2013

SUBJECT: **Discussion on the Status of the Naming of the New Tennis Center at Flamingo Park**

Introduction

In a written request to the Mayor and City Commissioners, dated March 20, 2012, the Flamingo Park Neighborhood Association requested that the new tennis center be named the "Flamingo Park Tennis Center." At its regular meeting on April 17, 2013, the Mayor and City Commission referred the proposal to name the tennis center to the Neighborhoods and Community Affairs Committee, for its consideration and recommendation. Attached is a copy of the April 17, 2013 Commission referral. (Attachment A).

Chronology of Naming/Re-Naming of the Flamingo Park Tennis Facilities

1. Under the August 5, 1983 Amended and Restated Agreement between the City and Capital Bank (the 1983 Agreement), in consideration of Capital Bank's agreement to construct certain tennis related improvements in Flamingo Park (which included a stadium with tennis courts, and permanent and portable grandstand seating; fencing; landscaping; sidewalks and pedestrian paths for access to and from the stadium; lighting; an electric scoreboard; a water sprinkling system for the landscaping and tennis court maintenance; and interior conduits for communications facilities; all defined in the Agreement as the "Improvements"), the City agreed:
 - a) to name the Improvements the "Abel Holtz Stadium," in perpetuity; and
 - b) to re-name the entire Flamingo Park tennis facilities from the "Flamingo Park Tennis Center," to the "Flamingo Park – Capital Bank Tennis Center."

Attached please find photographs of examples of the signage following the approval of the 1983 Agreement (Attachment B).

2. Under the 1983 Agreement, the names could not be "removed, altered, or changed unless approved by Capital;" or, if Capital chose to change the name of the Tennis Center, "it should submit the name and appropriate new signage plan to the City for approval and Capital may, thereafter change the signage at its sole cost and expense."

3. In a December 4, 1994 letter to Capital Bank President Daniel Holtz, Mayor Seymour Gelber requested that Capital Bank consent to re-name the "Abel Holtz Stadium" (i.e. the Improvements), by withdrawing Mr. Holtz's name.
4. In a March 16, 1995 letter to Mayor Gelber, Daniel Holtz stated that Capital Bank's Board of Directors had voted to change the name of the Improvements, from the "Abel Holtz Stadium," to the "Holtz Stadium" (with the cost of the change of name to be paid by the Bank).
5. Mayor Gelber acknowledged the name change in his subsequent letter to Mr. Holtz, dated March 21, 1995, stating "I certainly approve the proposals offered by Capital Bank and will be pleased to present this contract modification to our City Commission for approval." The Mayor also sent a memorandum, dated March 23, 1995, to City Manager Roger Carlton, advising him to place any required contractual amendment on a future City Commission agenda for ratification. Notwithstanding, there is no record of the City Commission ever approving an amendment to the 1983 Agreement, or otherwise approving the re-naming.
6. The City effectuated and implemented the 1995 re-naming by removing Abel Holtz's name from the tennis center and leaving only the Holtz family and Capital Bank names... Attached please find dated photographs of examples of the revised signage. (Attachment C).
7. In August 8, 2000, in anticipation of the City's proposed future demolition of the existing tennis stadium, and intent to construct a new tennis center complex at Flamingo Park, City Manager Lawrence Levy and Abel Holtz executed a letter agreement with regard to modifications to the existing signage (the 2000 Letter Agreement). The City Manager and Mr. Holtz agreed that, "following the proposed improvements to the Tennis Stadium, and, as stated, in the event the City demolishes the existing Stadium pursuant to said improvements, the City agrees and Mr. Holtz herein consents to, the placement of signage at the south entrance of the new Tennis Center complex, to read "Flamingo Park/Holtz Tennis Center."
8. The 2000 Letter Agreement was not approved by either the City Commission or Capital Bank, the original parties to the 1983 Agreement. In fact, by August 2000, Capital Bank no longer existed.
9. A Resolution of the Mayor and City Commission granting a Certificate of Appropriateness for the demolition of the Holtz Tennis Stadium was approved at the May 16, 2007, City Commission meeting, the tennis stadium was subsequently demolished in July, 2007. Any remaining Improvements constructed by Capital Bank under the 1983 Agreement were also demolished when the new Tennis Center renovations were built between May, 2012, and May, 2013. It should be noted that the new tennis center renovations do not include a tennis stadium.

10. The current and proposed signage for the new Flamingo Park tennis center improvements are as follows (please refer to the Attachment D for additional information):
 - A) Proposed new Tennis Center building naming signage;
 - B) Plaques (located on east side pro-shop patio wall);
 - C) Way finding signage (temporary to be removed prior to opening of new center);
 - D) Tennis informational/fees sign (temporary to be removed prior to opening of new center).
11. In a written request to the Mayor and City Commissioners, dated March 20, 2012, the Flamingo Park Neighborhood Association requested that the new tennis center be named the "Flamingo Park Tennis Center." At its regular meeting on April 17, 2013, the Mayor and City Commission referred the proposal to name the tennis center to the Neighborhoods and Community Affairs Committee, for its consideration and recommendation.
12. On April 1, 2013, the City of Miami Beach Tennis Advisory Committee (TAC) held a discussed the proposed name and background on the naming of the tennis center at Flamingo Park. Following the discussion, the TAC unanimously approved the following motion:

MOTION: The Tennis Advisory Committee recommends to the City Commission that the tennis center at Flamingo Park be named the Flamingo Tennis Center and also recommends that no name be placed on the tennis center until there is an appropriate public forum and the forum is concluded. A Letter To Commission forwarding this action was subsequently issued on April 23, 2013. Attached is a copy of this LTC. (Attachment E).
13. On April 20, 2013, an article entitled "Miami Beach Tennis Center is still named after Abel Holtz" appeared in the *Miami Herald*. (Attachment F). The article provided a history of the tennis center naming process and concluded with a quote from Mr. Holtz that he would " 'feel bad' if his name came off the center, but he wouldn't take any action against the city if that happened". Mr. Holtz also went on to state "None whatsoever, I am willing to waive it, if the city asks for it. I'm not going to do anything to hurt the city".
14. Notwithstanding, the 4/20/13 article, Attorney Clifford Schulman wrote a letter to the City Attorney Jose Smith on behalf of Abel Holtz, dated May 1, 2013, stating that, if required, Mr. Holtz will defend his rights to have the Tennis Center renamed the "Flamingo Park Holtz Tennis Center." (Attachment G).

Conclusion

The Administration recommends that the discussion concerning the status of the naming of the Tennis Center at Flamingo Park be held at the Neighborhood/Community Affairs Committee and direction as to the next actions be provided to the Administration.

Neighborhoods/Community Affairs Committee

May 20, 2013

Discussion of the Naming of the Tennis Center at Flemingo Park

JLM/JMT/JS/RA/KS

F:\RCPA\ALL\Previous\KEVIN\Commission Committees Meetings - 2013\NCAC Meeting 5-20-13\N-CAC Referral - Discussion on the status of naming the Tennis Center at Flemingo Park.doc

ATTACHMENT - A

**APRIL 17, 2013, COMMISSION REFERRAL TO
NEIGHBORHOODS/COMMUNITY AFFAIRS**

**DISCUSSION ON THE STATUS OF THE NAMING OF THE TENNIS
CENTER AT FLAMINGO PARK**



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

To: Jimmy Morales, City Manager

From: Matti Herrera Bower, Mayor

Date: April 1, 2013

Re: Commission Agenda Item

Please place on the agenda for the April 17, 2013 Commission Meeting an item to refer to the Neighborhood/Community Affairs Committee a discussion on the status of the naming of the Tennis Center at Flamingo Park.

Should you have any questions, please contact Gabrielle Redfern at Extension 8157.

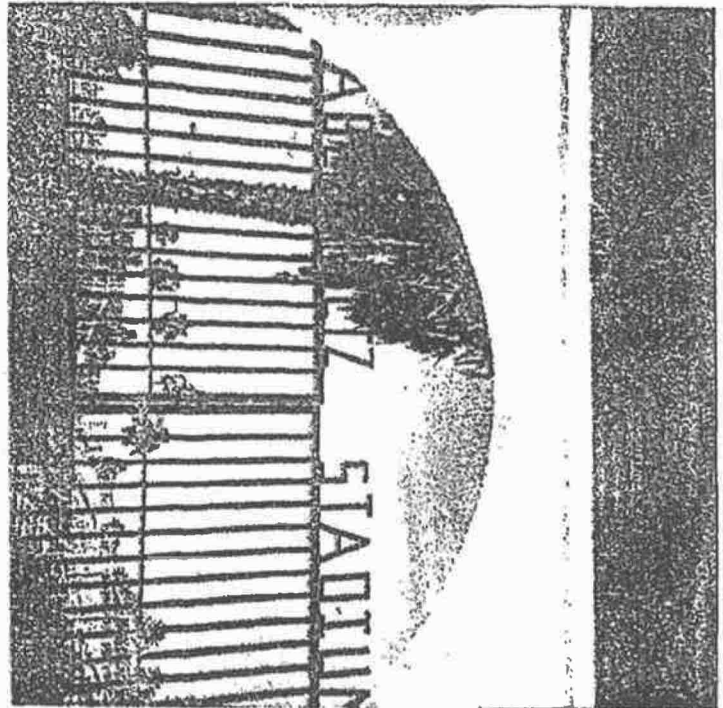
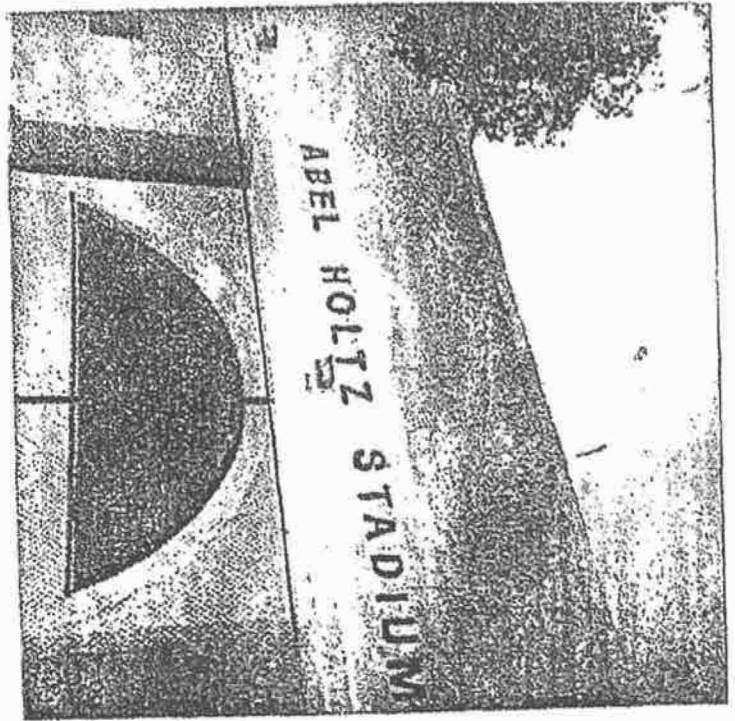
Thank you.

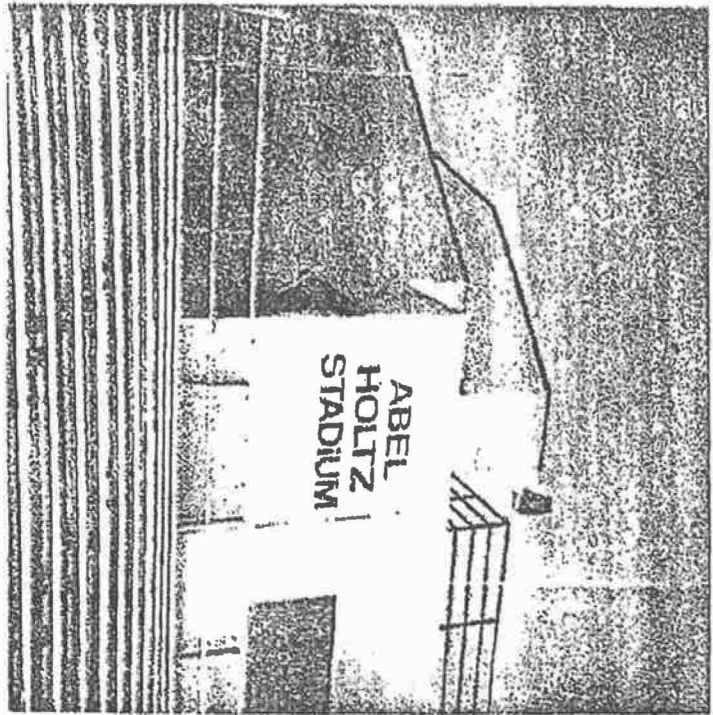
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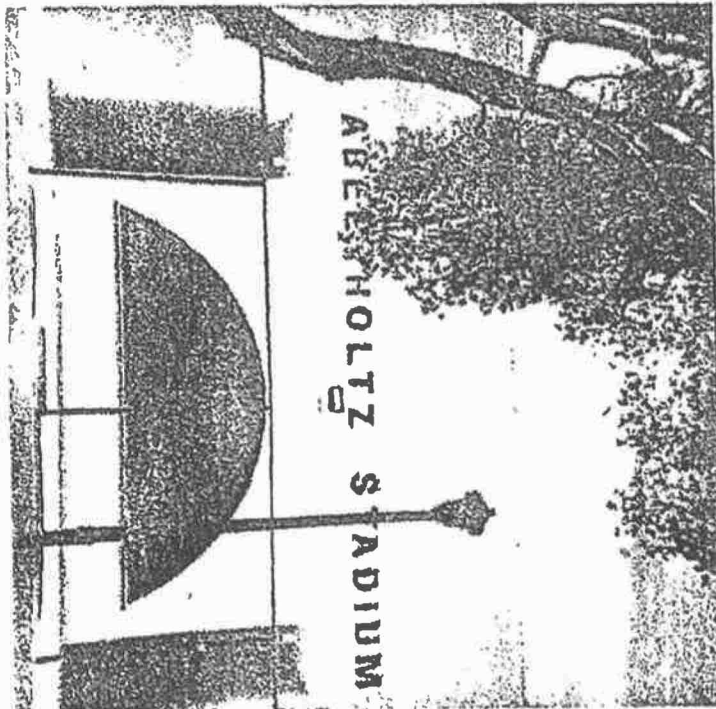
Agenda Item C4D
Date 4-17-13

ATTACHMENT - B

**PHOTOGRAPHS OF EXAMPLES OF SIGNAGE FOLLOWING THE
APPROVAL OF THE 1983 AGREEMENT**

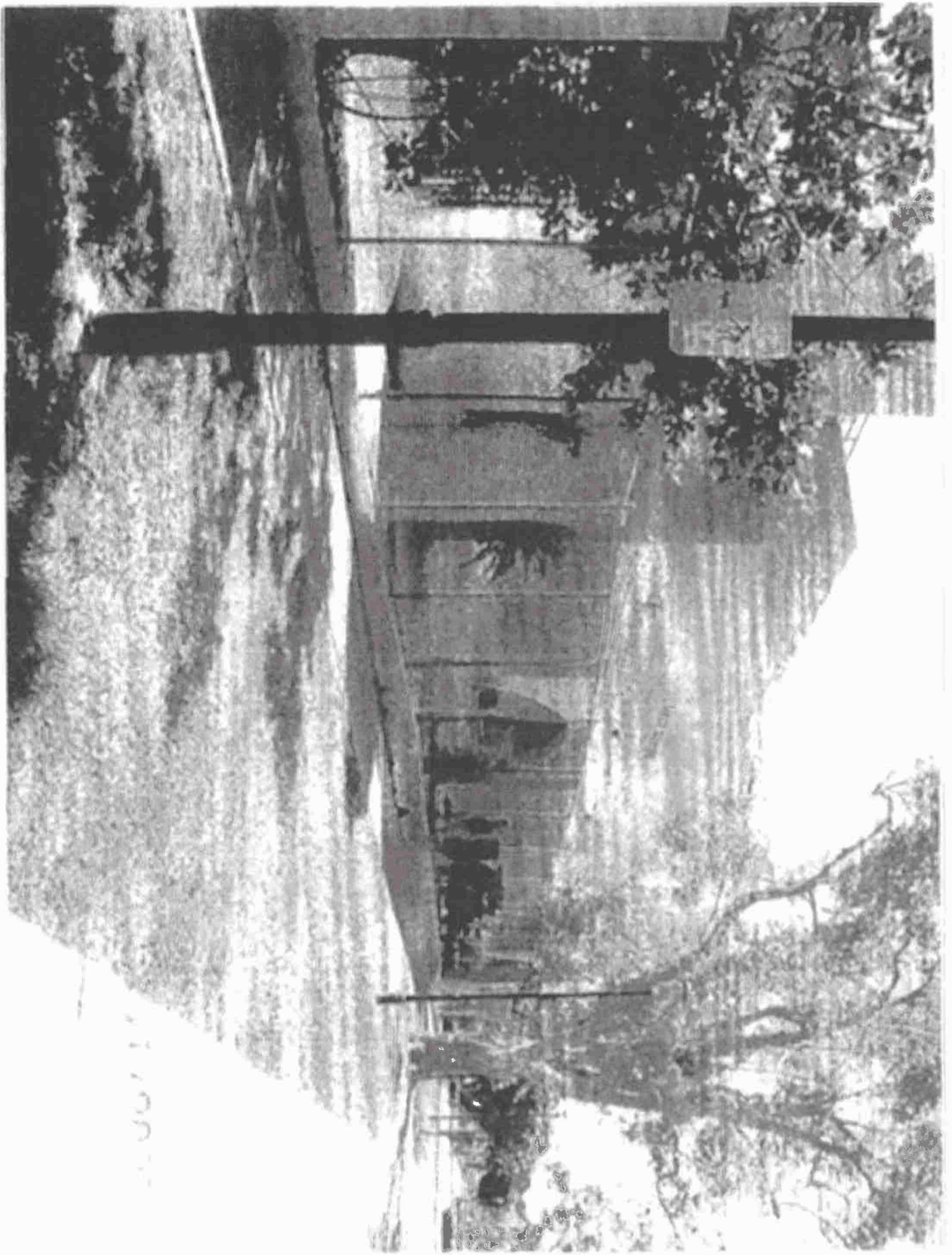


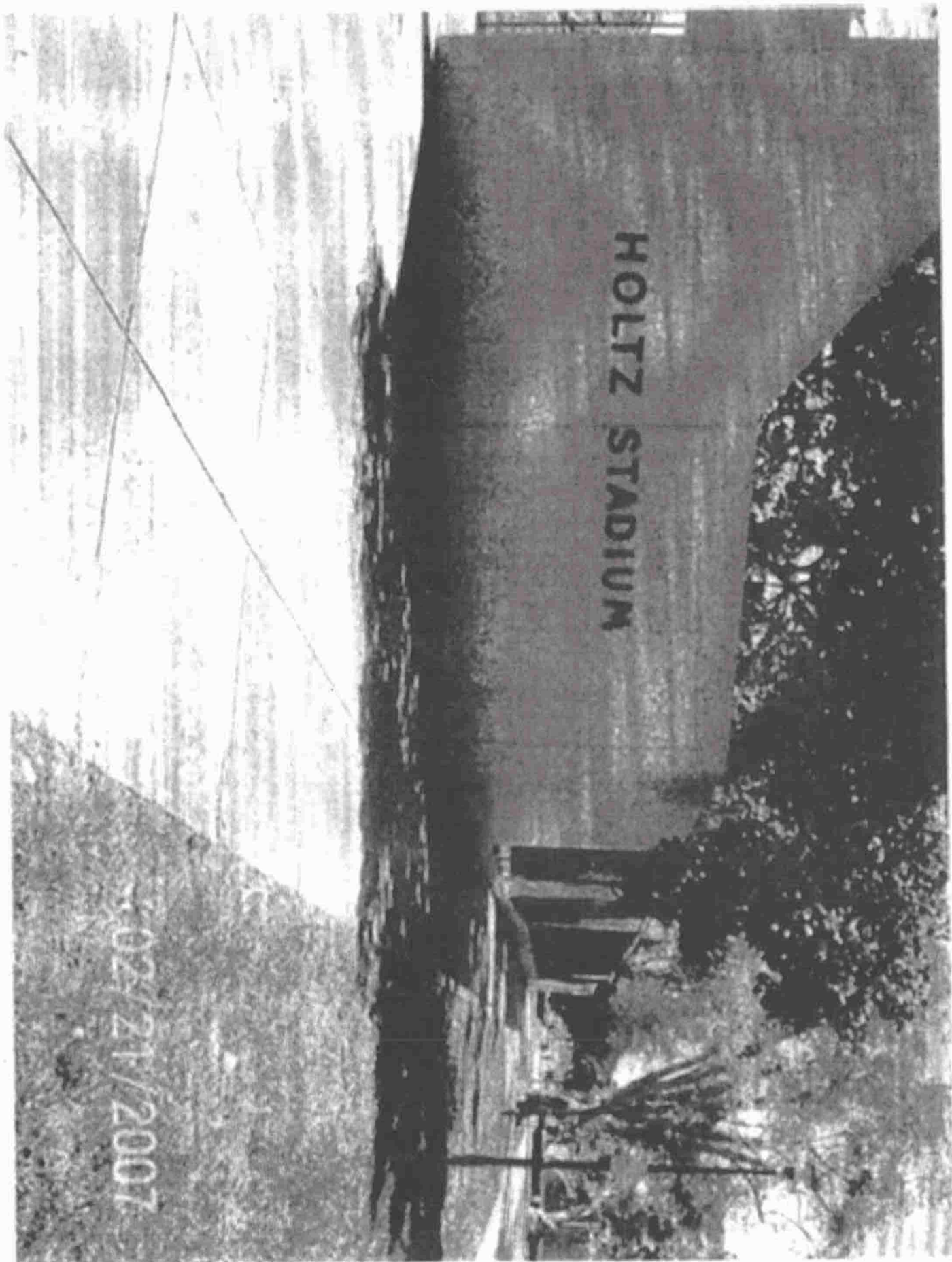


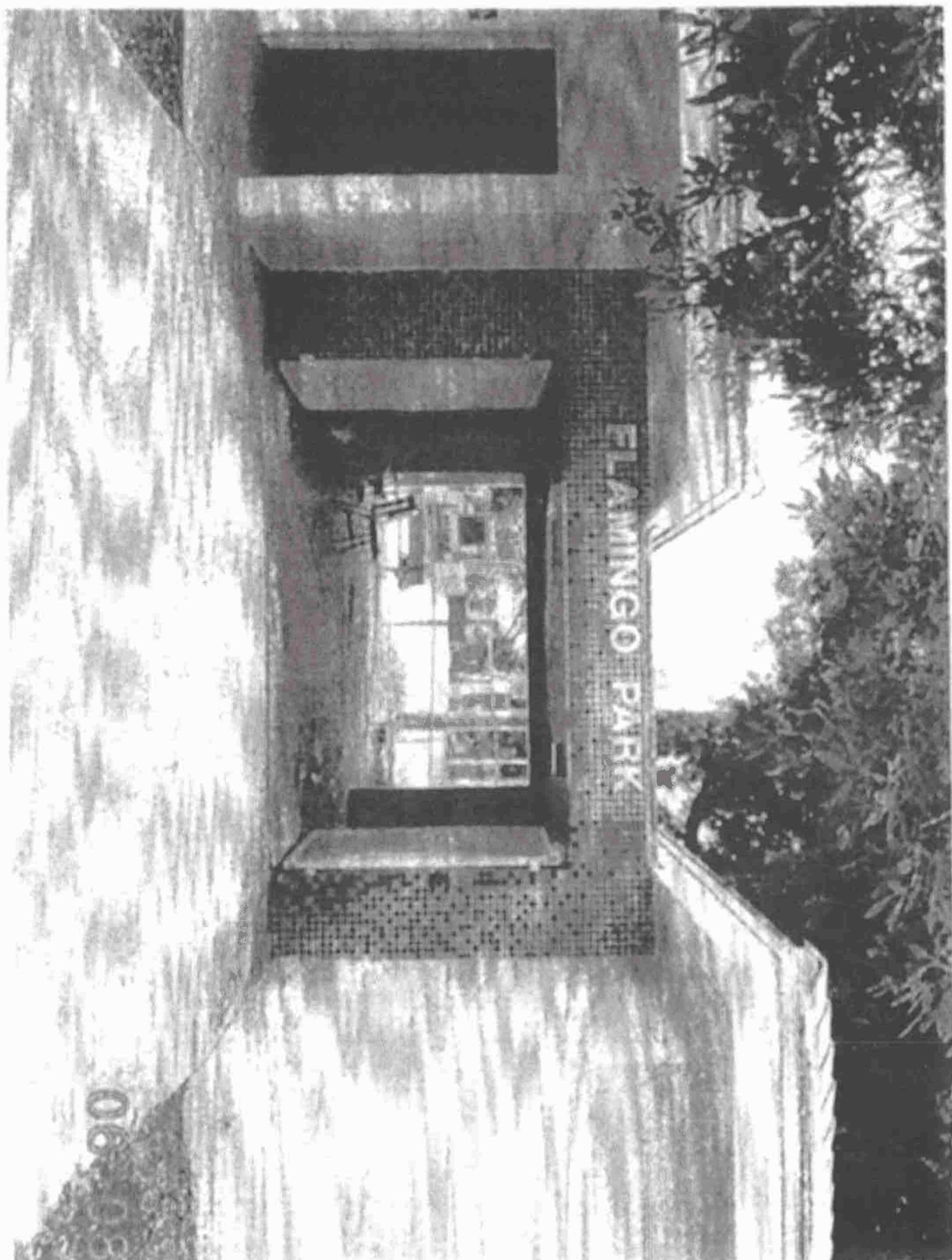


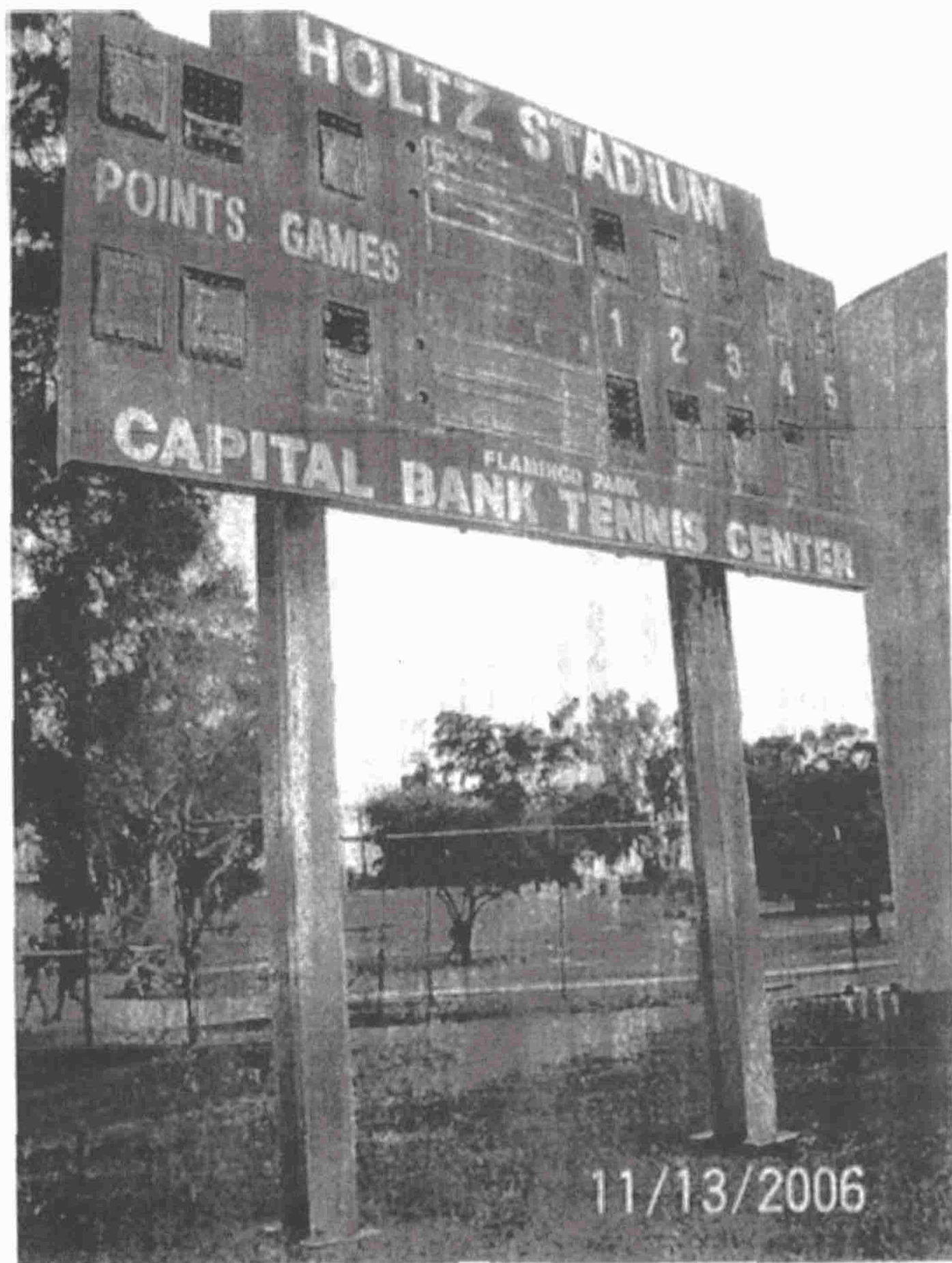
ATTACHMENT - C

**DATED PHOTOGRAPHS OF EXAMPLES OF REVISED SIGNAGE POST
1995 REMOVAL OF ABEL HOLTZ'S NAME FROM THE TENNIS CENTER
ONLY LEAVING HOLTZ FAMILY NAME**









ATTACHMENT - D

CURRENT AND PROPOSED SIGNAGE FOR THE NEW TENNIS CENTER

Attachment D - 1

Currently Proposed Flamingo Park Tennis Center Naming Signage

Attachment D - 2

Plaques

(Located on east side pro-shop patio wall)

Attachment - D - 3

Way Finding Signage

(Temporary to be removed prior to opening of new center)

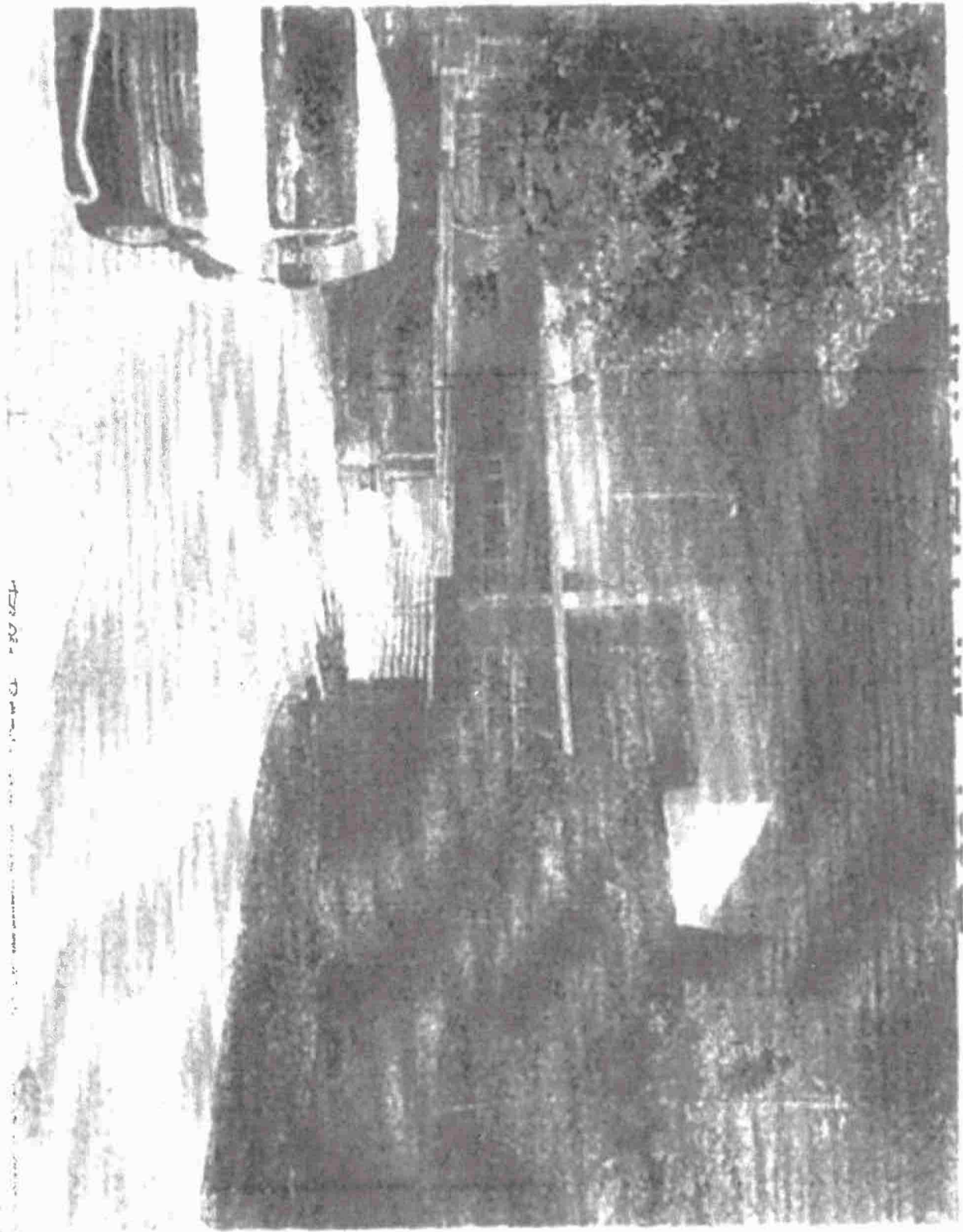
Attachment - D - 4

Tennis Center Information and Fees Signage

(Temporary and new similar signage will be posted in new center)

ATTACHMENT: D-1





ATTACHMENT: D-1

FLAMINGO PARK
TENNIS CENTER

1950 1951

11th STREET

MERIDIAN AVENUE

MERIDIAN AVENUE

12th ST

13th ST

14th ST

15th ST

16th ST

17th ST

18th ST

19th ST

20th ST

21st ST

22nd ST

23rd ST

24th ST

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97th ST

98th ST

99th ST

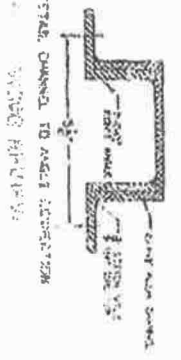
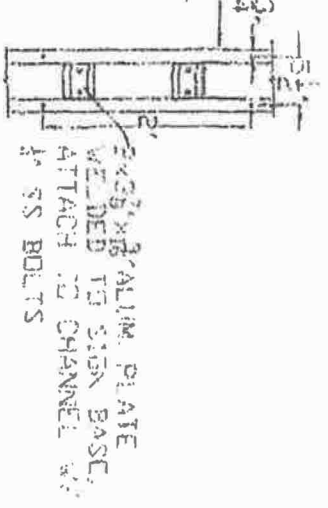
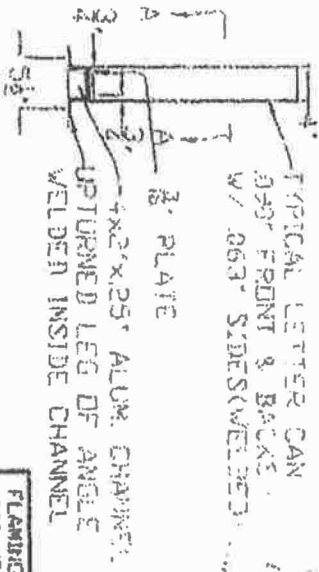
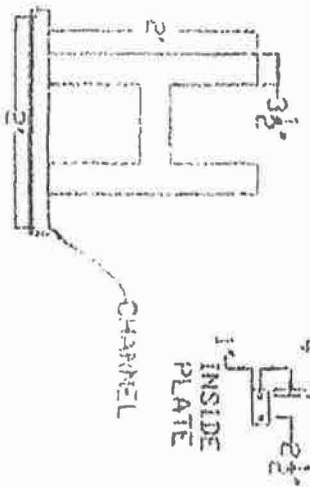
100th ST

ATTACHMENT: D-1



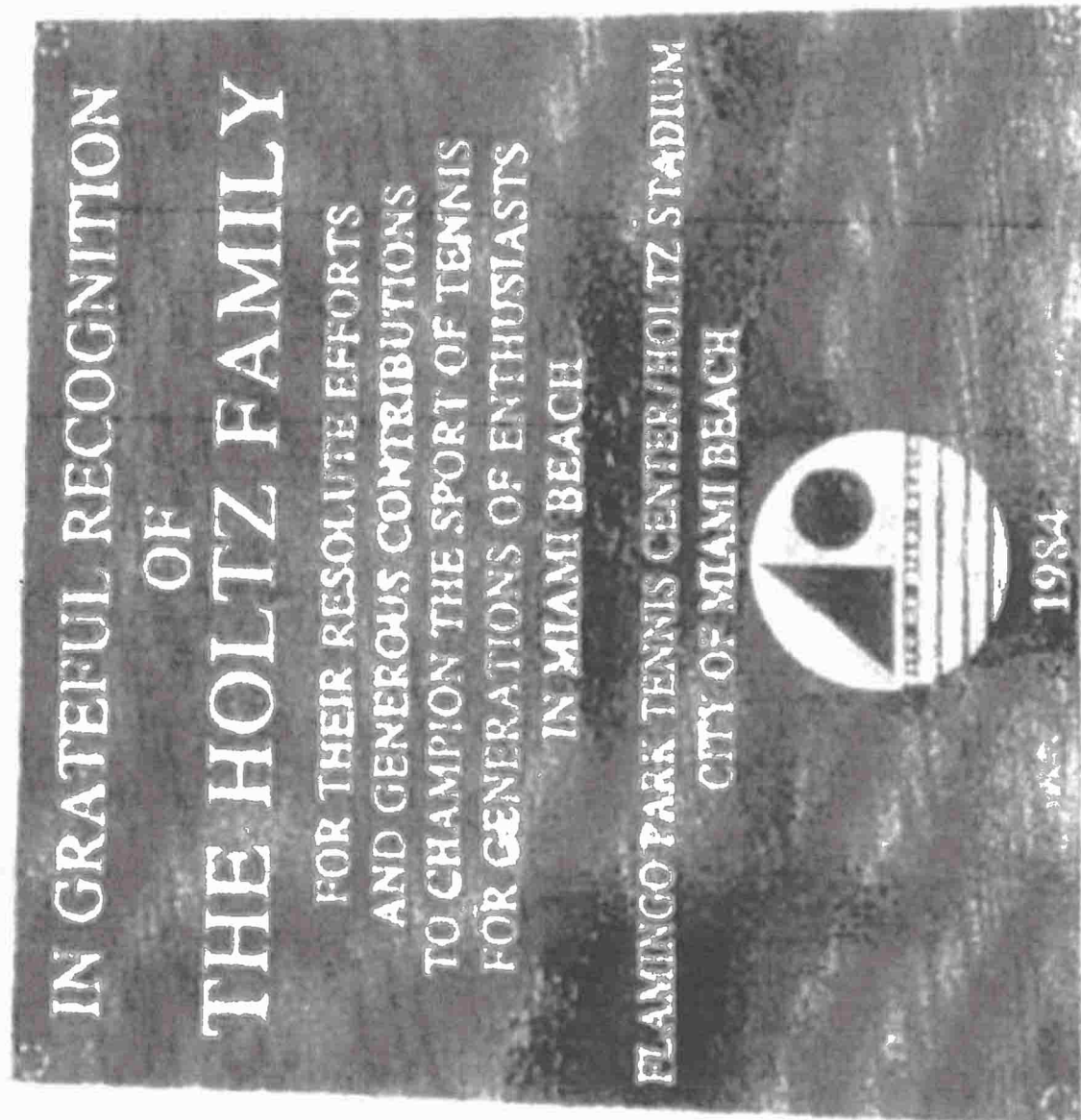
FLAMINGO PARK HOLTZ TENNIS CENTER

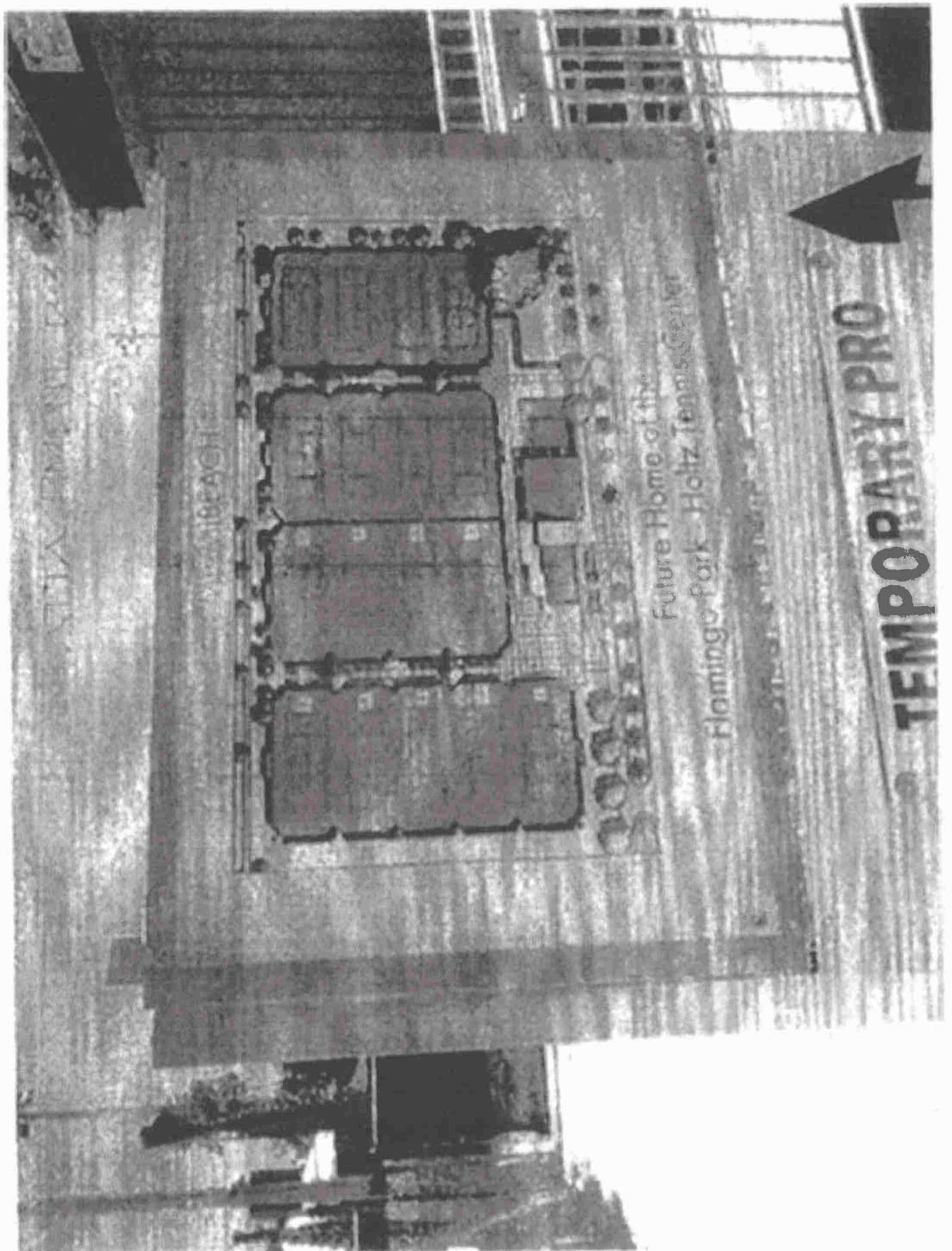
CONV. 2x2x1/2" ALUM. 5053-T6 ANGLE
WELDED TO ALUM. 5053-T6 CHANNEL
& CONNECTED TO CONCRETE DECK
W/ ONE 1/4" TAPCONS. 1.75" EMBED.
2" Ø/C. BOTH SIDES



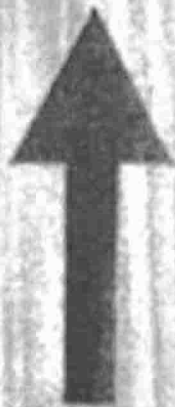
TRACY CONSULTANTS, INC. C043958
ROBERT M. TRACY, P.E., 11003 PRESIDENT
4651 SW 18TH AVE., SUITE 200, MIAMI, FL 33155-2302
(305) 494-3035, FAX (305) 494-3037, CELL (305) 559-0787

FLAMINGO PARK HOLTZ TENNIS CENTER	
1100 MERIDIAN AVE., MIAMI BEACH, FL	
DATE	01/26/2013
TIME	3:16 PM
INTELLIGENT STORAGE, INC.	
1000 FLAMINGO AVE., FLORIDA	
DATE	13-01-2013

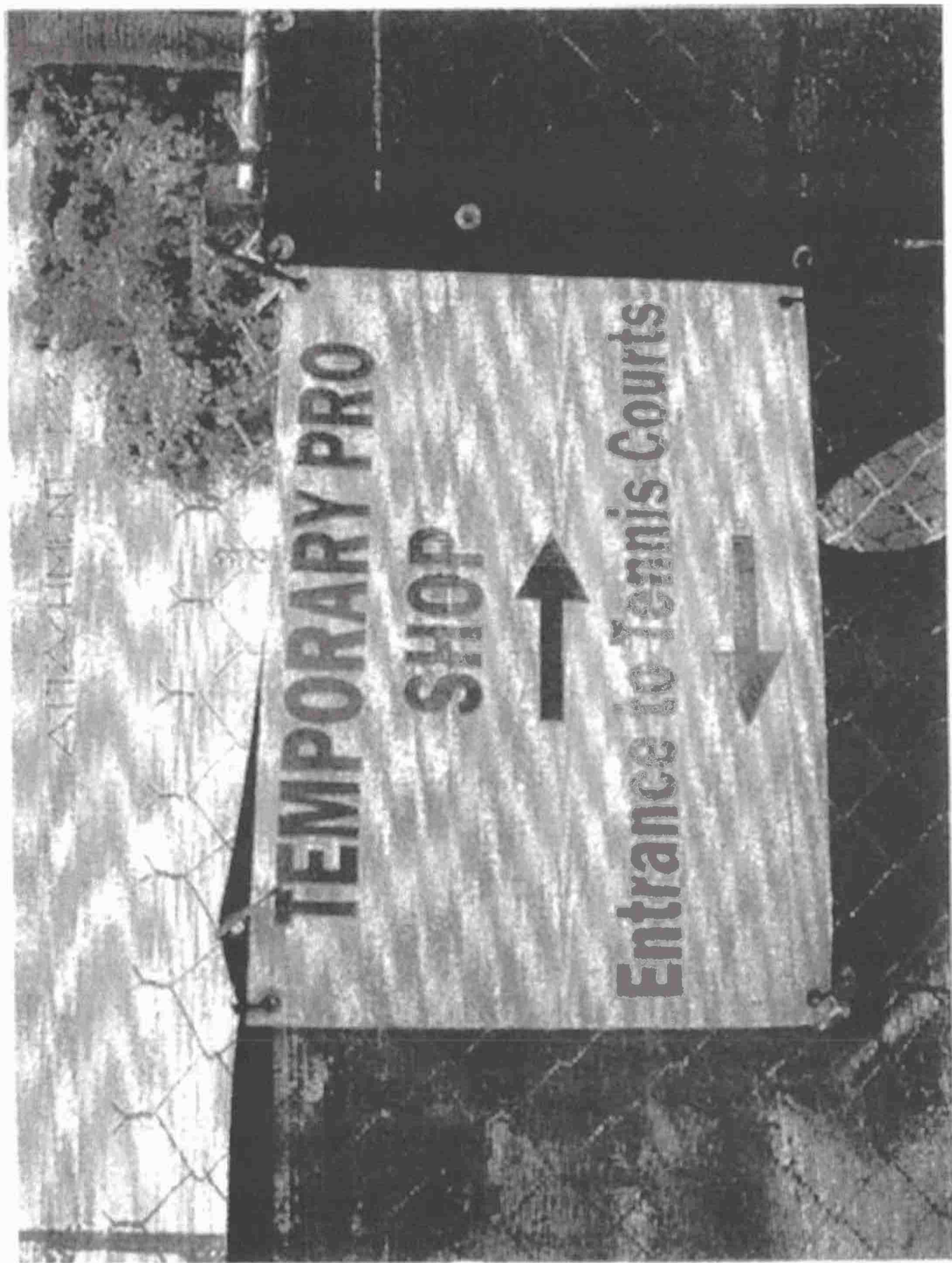




Entrance to Tennis Courts
All visitors must check-in
before using courts.



TEMPORARY PRO
SHOP



NT: P-4

MIAMI BEACH

Parks & Recreation

Welcome to Flamingo Park

TENNIS CENTER

305-673-7761

HOURS OF OPERATION

Monday - Friday 8:00 a.m. - 9:00 p.m.
Saturday & Sunday 10:00 a.m. - 6:00 p.m.

MEMBERSHIP FEES

Annual Pass effective 10/01/09/30

	Residents	Non-residents
Adult	\$210	\$330
Senior 60+	\$175	\$425
Junior 16 & U	\$75	\$250
Family	\$500	\$1,250
Light Fee	\$1.50	\$1.50
Light fee for night play		

COURT FEES

	Residents	Non-residents
Hourly rate	\$5	\$10
Light Fee	\$1.50	\$1.50
Light fee for night play		

PROGRAM FEES

PARENT AFTER SCHOOL CLINIC
(Minimum certified in the school program) \$25

JR. AFTER SCHOOL PROGRAM

Per Class	
Academy	\$50
Technician Fee Waiver	\$60
N. Academy	\$90
Fee Waiver	\$20

JUNIOR & ADULT MINI CAMP

Daily	\$52
Weekly	\$215

TENNIS SUMMER CAMP

Full - Day (for two weeks)	\$400
Mon - Day (for two weeks)	\$215
Full - Day	\$60
Half Day (1/2 day)	\$32

ADULT CLINIC

Per Class	
Adult Clinic	\$20
Match Tough	\$20

PRIVATE LESSON

Hourly Rate	
Full Tennis Professionals	\$60
Junior/Ad	\$75
Junior/Ad/Ad	\$75
Visual/Professional	\$95

TENNIS LADDER

Per ladder	\$10
------------	------

* Basic instruction for adults only. On/Off hours.
* For more information, please contact your local tennis center.

ATTACHMENT E

**COPY OF THE APRIL 23, 2013 LETTER TO COMMISSION FORWARDING
THE CITY'S TENNIS ADVISORY COMMITTEE'S MOTION THAT THE
TENNIS CENTER AT FLAMINGO PARK BE NAMED THE FLAMINGO
PARK TENNIS CENTER.**



MIAMIBEACH

OFFICE OF THE CITY MANAGER

NO. LTC # 140-2013

LETTER TO COMMISSION

RECEIVED
2013 APR 25 PM 12:16
CITY CLERK'S OFFICE

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: April 23, 2013

SUBJECT: Tennis Advisory Committee Motion

The purpose of this Letter to Commission is to inform you that the Tennis Advisory Committee passed a motion at their April 1, 2013 meeting.

Naming of the Tennis Center at Flamingo Park

The Tennis Advisory Committee discussed the proposed name and the background on the naming of the facility. As such, the following motion was proposed:

MOTION: The Tennis Advisory Committee recommends to the City Commission that the tennis center at Flamingo Park be named the Flamingo Park Tennis Center and also recommends that no name be placed on the tennis center until there is an appropriate public forum and the forum is concluded.

Members Present: David Berger, Gayle Durham, Dolores Hirsh, Carrie Johnson and Tegan Eve.

Motion Made By: David Berger
Motion Seconded By: Gayle Durham
Motion Passed: Votes 5-0

JLM/MS/KS/ep

c: Mark Taxs, Assistant City Manager
Kevin Smith, Parks & Recreation Director
Julio Magrisso, Assistant Parks & Recreation Director

ATTACHMENT F

**APRIL 20, 2013, MIAMI HERALD ARTICLE ENTITLED
"MIAMI BEACH TENNIS CENTER IS STILL NAMED AFTER ABEL HOLTZ"**

The Miami Herald

Posted on Sat, Apr. 20, 2013

Miami Beach tennis center is still named after Abel Holtz

By Christina Velga
The Miami Herald



Holtz Tennis Center is still under construction. A sign at Flamingo Park announces the new park facility grand opening date in the summer of 2013.

There's the street in downtown Miami. The children's hospital at Jackson Memorial. And now, the tennis center in Miami Beach.

All bear the name of Abel Holtz: former banker, generous philanthropist and convicted felon.

Many remember the Miami Beach tennis stadium that was named after him. That was before Holtz pleaded guilty in 1994 to lying to a grand jury about making secret payments to a famously corrupt Miami Beach mayor.

The stadium is long gone, but a separate tennis center still stands. After years of renovations, that center is slated to reopen soon.

work and millions of public dollars poured into

Signs on site declare: Flamingo Park Holtz Tennis Center.

"It's scandalous," said Gayle Durham, who sits on the Beach's Tennis Advisory Committee.

She's not just talking about the name. Tennis enthusiasts also wonder about the process that landed Holtz's name there.

As it turns out, it was a process involving contract obligations that the city might no longer be bound by — a contract that Holtz himself, now 78, told The Miami Herald he wouldn't try to enforce.

Before he went to prison, Abel Holtz was an influential banker. He escaped Castro's Cuba and went on to build Capital Bank, which made him a multimillionaire.

Holtz spread his wealth, donating generously to organizations such as Miami's Children's Hospital. He also built a tennis stadium that he donated to Miami Beach.

Built on city land, it cost \$550,000, according to news reports at the time, and was called Abel Holtz Stadium. He gave the city favorable terms on a loan that was used to renovate the separate, nearby tennis center. In return, the center was renamed the Flamingo Park-Capital Bank Tennis Center.

To seal the deal, the city in 1983 entered into a contract with Capital Bank. According to the contract, the stadium would keep the name "in perpetuity," and the center name would not be "removed, altered or changed unless approved by Capital" and unless the city agreed.

At the same time he was building his stadium, Holtz was buying political influence, said former Miami Beach Mayor Alex Daoud.

Daoud was a young lawyer and a Miami Beach city commissioner when he first met Holtz at the banker's waterfront Venetian Islands mansion. It was there that Holtz first offered him a bribe, Daoud said in a telephone interview with The Miami Herald. Daoud said he was paid between \$1,000 and \$1,500 a month in "legal fees" for services he never provided.

"It was for influence," Daoud said. "He bribed me."

Daoud, who went on to serve three terms as mayor, was pocketing money from plenty of other people. His political career ended in 1991, when he was slapped with a 41-count federal indictment charging him with racketeering, extortion, money-laundering and filing false tax returns. The disgraced mayor testified that he had accepted the payments from Holtz.

Daoud was sentenced to five years in prison, but served only about 18 months.

Pleading guilty

Holtz, meanwhile, pleaded guilty in October 1994 to lying to a grand jury about the payments. His conviction meant he could no longer run his bank, so his son, Daniel Holtz, was put in charge.

The city, meanwhile, pondered what to do with its tennis stadium, which now bore the name of a criminal tied to one of the most infamous chapters in Miami Beach history. Contractually, the city needed Capital Bank's permission before it could change the name.

Then-Mayor Seymour Gelber shot off a letter to Daniel Holtz in December 1994, asking the bank to remove Abel Holtz's name from the stadium.

Daniel Holtz responded in March 1995 that the bank's directors voted to drop Abel's name and call the facility simply "Holtz Stadium."

Holtz goes on to say that signs at the tennis center should read: "Capital Bank Tennis Center," taking out "Flamingo Park" from the name.

By 2000, the tennis stadium was no longer in use, and the city wanted to tear it down. So Beach officials met with Abel Holtz and got his permission to do so. At that time, he and

the city also agreed on a new name for the center: The Flamingo Park Holtz Tennis Center.

The meeting and the naming agreement are outlined in a 2000 letter written by Raul Aguila, who is now a chief deputy city attorney.

"That never went through any public hearing or any notification or any commission vote," said Rebecca Boyce, who runs a tennis program out of Flamingo Park. "It was done in a back-room deal."

In addition to the perceived secrecy of the deal, tennis enthusiasts also wonder: Why did the city negotiate with Holtz at the time?

Remember: The contract regarding naming rights was made between the city of Miami Beach and Capital Bank. But by 2000, Holtz's bank no longer existed.

Capital loss

After his felony conviction forced him to transfer control of Capital Bank to his family, a judge ruled that the Holtz family did not have the "character, reputation, experience and financial responsibility to control and operate" the bank. The Holtzes were forced to sell their empire to Union Planters (which eventually merged with Regions Bank).

"The contract gave Capital Bank, not Abel Holtz, the right to change the name on the tennis facility. Once Abel Holtz lost control of Capital Bank, he no longer had any authority under the contract," University of Miami law professor Andrew B. Dawson wrote in an email to the Herald. He read the contract for the newspaper.

But Aguila, the city attorney, laid out several reasons why Holtz might still have authority over naming rights at the center. The attorney emphasized that he wasn't advocating for the name, but simply trying to protect the city from any legal action Holtz might take against the city.

Among the reasons:

- Abel Holtz "had, in effect, been Capital Bank," he wrote in an email. Therefore, he had "standing," a legal term that basically means Holtz has a legal stake in the issue.
- Holtz is a "beneficiary" of the 1983 contract. In other words, he is someone who was not a party to the contract but who still receives a benefit from that contract — like the beneficiary of a life insurance policy.

Arguing that Holtz is a beneficiary to the contract "may be a stretch," wrote Dawson, the UM professor.

WHAT HOLTZ SAYS

Abel Holtz, who now lives in Bal Harbour, says he doesn't understand why someone would be against his name being on the tennis center.

"It's either someone we turned down for a loan, or a maybe we never got along and socialized with, or something like that," he theorized.

Holtz said he staged competitions at the old stadium, which brought prestige to the city. He also said he gave the city money over the years to pay for the center's upkeep.

He said he would "feel bad" if his name came off of the center, but he wouldn't take any action against the city if that happened.

"None whatsoever. I'm willing to waive it, if the city asks for it. I'm not going to do anything to hurt the city," he said.

The City Commission has referred the name issue to an advisory committee.

This story has been corrected to reflect that the tennis center name was changed in 1995 to simply "Capital Bank Tennis Center."

Follow [@Cvelga](#) on Twitter.

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<http://www.miamiherald.com>

ATTACHMENT G

**MAY 1, 2013 CORRESPONDENCE FROM ATTORNEY CLIFFORD SCHULMAN
ON BEHALF OF ABEL HOLTZ ADVISING THE CITY MR. HOLTZ WILL DEFEND
HIS RIGHTS TO HAVE THE TENNIS CENTER RENAMED THE "FLAMINGO
PARK HOLTZ TENNIS CENTER".**

WEISS SEROTA HELFMAN
PASTORIZA COLE & BONISKE, P.L.

MITCHELL BIERMAN, P.A.
NINA L. BONISKE, P.A.
MITCHELL J. BURNSTEIN, P.A.
JANIE ALAN COLE, P.A.
STEPHEN J. HELFMAN, P.A.
GILBERTO PASTORIZA, P.A.
MICHAEL S. POPOK, P.A.
JOSEPH H. SEROTA, P.A.
SUSAN L. TREVARTHEN, P.A.
RICHARD JAY WEISS, P.A.
DAVID M. WOLPIN, P.A.

DANIEL L. ABBOTT
GARY L. BROWN
JONATHAN M. COHEN
IGNACIO G. DEL VALLE
JEFFREY D. DECARLO
ALAN L. GABRIEL
DOUGLAS R. GONZALES
EDWARD G. GUDES
JOSEPH HERNANDEZ
JOSHUA D. KRUT
MATTHEW H. MANDEL
ANTHONY L. RECIO
BRETT J. SCHNEIDER
CLIFFORD A. SCHULMAN
ABIGAIL WATTS-FITZGERALD
LAURA K. WENDELL
JAMES E. WHITE

ATTORNEYS AT LAW
A PROFESSIONAL LIMITED LIABILITY COMPANY
INCLUDING PROFESSIONAL ASSOCIATIONS

MIAMI-DADE OFFICE
2525 PONCE DE LEON BOULEVARD
SUITE 700
CORAL GABLES, FLORIDA 33134

TELEPHONE 305-854-0800
FACSIMILE 305-854-2323
WWW.WSH-LAW.COM

BROWARD OFFICE
200 EAST BROWARD BOULEVARD • SUITE 1900
FORT LAUDERDALE, FLORIDA 33301
TELEPHONE 954-763-4242 • FACSIMILE 954-764-7770

*OF COUNSEL

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SARA E. AULISIO
ROBERT H. DE FLESCO
BROOKE P. DOLARA
RAQUEL ELEJABARRIETA
CHAD S. FRIEDMAN
ERIC P. HOGKMAN
HARLENE SILVERN KENNEDY
KAREN LIEBERMAN
JOHANNA M. LUNDGREN
ALEIDA MARTINEZ MOLINA
KATHRYN M. MEHAFFEY
ROBERT A. MEYERS
MATTHEW PEARL
JOHN J. QUICK
TIMOTHY M. RAVICH
AMY J. SANTIAGO
GAIL D. SEROTA
JONATHAN G. SHAMRES
ESTRELLITA S. SIBILA
ALISON F. SMITH
ANTHONY C. BOROKA
EDUARDO M. BOTO
JOANNA G. THOMSON
PETER D. WALDMAN
SAMUEL J. ZESKIND

May 1, 2013

VIA E-MAIL & U.S. MAIL

Jose Smith, Esq.
City Attorney
City of Miami Beach
1700 Convention Center Drive, 4th Floor
Miami Beach, FL 33139

Re: Naming of Flamingo Park Holtz Tennis Center

Dear Mr. Smith:

My client, Mr. Abel Holtz, has just recently returned to town and has only just reviewed the Miami Herald article dated April 20, 2013 where the Herald reporter stated:

"He said he would 'feel bad' if his name came off of the center, but he wouldn't take any action against the city if that happened.

'None whatsoever. I'm willing to waive it, if the city asks for it. I'm not going to do anything to hurt the city,' he said."

My client would like you to know that the above statements were taken out of context and only referred to certain provisions in the original 1983 contract, and not with changes made thereafter in 1999 and 2000, which eventually led to the City's agreement to rename the stadium as the "Flamingo Park Holtz Tennis Center". Mr. Holtz wanted to make sure you are aware that he will, if required, defend his right to have the Center so named.

It is our understanding that this matter is to be discussed at the City's Neighborhood and Community Affairs Committee, presently scheduled for May 20th. Please provide us with any


RECEIVED
13 MAY - 2 PM 4:09
CITY ATTORNEY'S OFFICE

Jose Smith, Esq.
May 1, 2013
Page 2

memos directed to the Committee from the Manager, City Attorney or staff, so that we can review prior to the meeting.

Thank you for your considerations.

Very truly yours,



Clifford A. Schulman

CAS/msr
2035.001

cc: Mr. Abel Holtz
Raul Aguila, Esq.
James Morales, Esq.

Exhibit "B"

OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A

MURRAY H. DUBBIN
City Attorney



Telephone: (305) 673-7470
Telecopy: (305) 673-7002

August 8, 2000

Cliff Schulman, Esq.
Greenberg Traurig
1221 Brickell Avenue
Miami, FL 33131

Re: Modifications to Flamingo Park/Holtz Tennis Stadium Signage

Dear Mr. Schulman:

This letter will confirm the Agreement between the City and Mr. Abel Holtz, on behalf of the Holtz Family, with regard to modifications to the existing signage at the Flamingo Park/Holtz Tennis Stadium.

The City recognizes the contributions that have been made by the Holtz family to the Tennis Stadium. Pursuant to our meeting on July 17, 2000, which also included Parks and Recreation Director Kevin Smith, you were informed that the City intends to make future improvements to the existing Tennis Stadium, with funding available from a portion of the Series 1999 General Obligation Bond Program. Pursuant to these improvements, it is the City's intention to demolish the existing Stadium concurrent with the creation of an updated overall Tennis Center complex at Flamingo Park.

As you also know, pursuant to that certain Amended and Restated Agreement, dated August 5, 1983, the existing tennis related improvements at the Stadium were originally to be named "Abel Holtz Stadium", in perpetuity, and the entire Flamingo Park Tennis Facilities renamed "Flamingo Park-Capital Bank Tennis Center", with said name(s) not to be removed, altered or changed unless as approved by Mr. Holtz, pursuant to the terms of said Agreement. Most recently, pursuant to then-Mayor Seymour Gelber's request, the City, with Mr. Holtz's consent, subsequently changed the aforementioned name designations, *in toto*, to "Flamingo Park - Holtz Tennis Center".

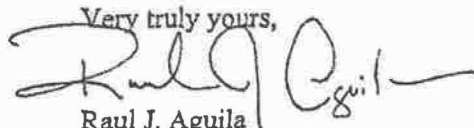
Accordingly, this letter shall confirm the Agreement between the City and Mr. Holtz, wherein, following the proposed improvements to the Tennis Stadium, and, as stated, in the event the City demolishes the existing Stadium pursuant to said improvements, the City agrees, and Mr. Holtz herein consents to, the placement of signage at the south entrance of the new Tennis Center complex, to read "Flamingo Park / Holtz Tennis Center". Additionally, if the City, in its discretion, deems it appropriate to place signage at the east entrance of the Tennis Center complex, the name "Flamingo Park / Holtz Tennis Center" shall also be placed at that location. Said signage shall be

1700 Convention Center Drive -- Fourth Floor -- Miami Beach, Florida 33139

Cliff Schulman, Esq.
Modifications to Flamingo Park /
Holtz Tennis Center Signage
August 8, 2000
Page 2

consistent with such plans and specifications for signage as approved by the City for the Tennis Center project; shall be erected concurrent with the improvements to the Tennis Center complex; and shall be incorporated into the project costs for same. Additionally, the City shall, at its sole cost and expense, replace the existing plaque at the Tennis Stadium, acknowledging the Holtz Family's contribution toward the Tennis Center.

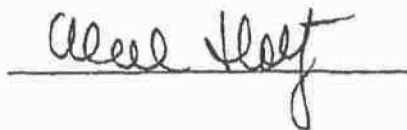
If the aforestated terms and conditions meet with Mr. Holtz's approval, please have him acknowledge, execute and have same duly witnessed in the space provided below. Upon execution by the City, we will forward a fully executed copy to your office for your records.

Very truly yours,

Raul J. Aguila
First Assistant City Attorney

I have read this Letter Agreement and, fully understanding same, consent and agree to be bound by the terms and conditions contained herein.

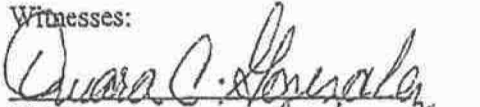
Abel Holtz

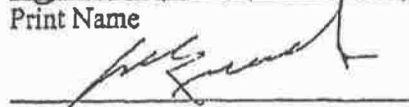
City of Miami Beach




JORGE M. GONZALEZ
City Manager

Witnesses:


Signature
UMAPA C. GONZALEZ
Print Name


Signature
WALDO ROCHA
Print Name

cc: Murray H. Dubbin, City Attorney
Mayra Diaz Buttacavoli, Assistant City Manager
Kevin Smith, Parks and Recreation Director

F:\ATTOLAGURIA\ORSEMENT\FLMGP\K.MOD

OFFICE OF THE CITY ATTORNEY - 1700 CONVENTION CENTER DRIVE - MIAMI BEACH, FLORIDA 33139

RESOLUTION TO BE SUBMITTED

**Neighborhood/Community Affairs Committee Meeting
June 26, 2013**

Discussion Regarding The Issue Of The Use Of Medical Marijuana

Item under Recommendations

(Requested by Commissioner Tobin)

Consider asking the Florida State Legislature to consider the use of Medical Marijuana
Notify the Homeowner's associations and the PTAs at the schools of this issue

Debbie Turner, Legal Department Monday

Marcia Monserrat and Leslie Rosenfeld to handle notifications

ITEM #13




MIAMI BEACH

OFFICE OF THE CITY ATTORNEY
JOSE SMITH, CITY ATTORNEY

COMMITTEE MEMORANDUM

TO: Members of the Neighborhood/Community Affairs Committee
Jimmy Morales, City Manager

FROM: Jose Smith, City Attorney 

DATE: June 26, 2013

SUBJECT: Referral of Medical Marijuana issue by the City Commission on June 5, 2013 (Item R9B)

At the Sutnick Hour during the June 5, 2013 City Commission meeting, a request was made by Eric Stevens to place a straw ballot question on the November 5, 2013 ballot regarding medical marijuana. After discussion, the City Commission referred the issue of medical marijuana to the Neighborhoods/Community Affairs Committee for its consideration.

As background to this issue, Mr. Stevens was the Campaign Manager/Treasurer for the Committee for Sensible Marijuana Policy, the proponent of the attached initiative petition during the summer of 2011. (See Exhibit "A"). The Committee proposed a City Charter amendment to create a new Section 8.10 that would impose civil penalties for the possession of less than 20 grams of cannabis where the cannabis was intended for adult personal use. In response to this proposal, the City Attorney's Office issued a Memorandum (See Exhibit B) that analyzed this issue and concluded that the proposed Charter amendment would likely be found to be unlawful because Florida law preempts local government regulation of controlled substances. Moreover, the United States Department of Justice does not recognize local or State laws in conflict with the Federal Controlled Substances Act.

Subsequently, the City Attorney's Office met and corresponded with counsel for Mr. Steven's committee to assist in drafting a resolution, as an alternative to a ballot initiative, that would address the Committee's concerns and be acceptable to the City Commission. A preliminary resolution was drafted that proposed a City policy whereby the possession of less than an ounce of marijuana would be given the lowest law enforcement priority in the City and urged State and federal lawmakers to enact legislation to decriminalize the possession of less than an ounce of marijuana and to permit the use of marijuana for medicinal use. However, the draft resolution did not receive support for placement on a City Commission agenda. As an alternative, the Resolution adopted by the City of South Miami is submitted for consideration (See Exhibit C).

JS/DT/mmd

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NCAC#260

CITY OF MIAMI BEACH - INITIATIVE PETITION Charter Amendment

We the undersigned registered voters of Miami Beach, Miami-Dade County, Florida, do hereby petition the City of Miami Beach Commission to submit the following amendment to the Miami Beach Charter to the registered voters of Miami Beach:

AMENDMENT TO CREATE SECTION NO. 8.10 (SENSIBLE MARIJUANA POLICY AMENDMENT) OF THE MIAMI BEACH CITY CHARTER

BALLOT TITLE: SENSIBLE MARIJUANA POLICY CHARTER AMENDMENT,
MIAMI BEACH CITY CHARTER SECTION NO. 8.10

BALLOT SUMMARY:

This proposed charter amendment is designed to create a new Section No. 8.10 of the Miami Beach City Charter (Sensible Marijuana Policy Amendment) to prohibit the adult possession of less than twenty (20) grams of marijuana where the marijuana was intended for personal use and to provide for a fine of not more than \$100.00 per violation.

- (1) It shall be a civil violation of the Charter of the City of Miami Beach, Florida for any adult person to possess cannabis, less than 20 grams, where the cannabis is intended for adult personal use.
- (2) "Adult personal use" is defined as the possession of less than twenty grams of cannabis by an adult of at least eighteen years of age where there is no evidence that the person was engaged in the delivery, manufacture, cultivation, or sale of cannabis for remuneration.
- (3) Violation of this section shall result in the issuance of a civil citation in the amount of one hundred dollars (\$100.00).
- (4) Any person charged with the infraction under this section who does not elect to appear shall pay the civil penalty within 30 days after the date of issuance of the citation.
- (5) Those parts of any ordinances in conflict with this section are hereby repealed.
- (6) If any provision of this charter section or its application to any person or circumstances is held invalid by the valid judgment or decree of a court of competent jurisdiction, the remainder of this charter section or the application of the terms and provisions to other persons shall not be affected.

ENMIENDA PARA CREAR LA SECCIÓN No. 8.10 (ENMIENDA RAZONABLE A LAS PAUTAS SOBRE MARIJUANA) DEL ESTATUTO DE LA CIUDAD DE MIAMI BEACH

TÍTULO DE LA BOLETA: ENMIENDA RAZONABLE A LAS PAUTAS SOBRE MARIJUANA,
ESTATUTO DE LA CIUDAD DE MIAMI BEACH SECCIÓN No. 8.10

RESUMEN DE LA BOLETA:

La enmienda propuesta a este estatuto tiene por objeto crear una nueva Sección No. 8.10 del Estatuto de la Ciudad de Miami Beach (Enmienda Razonable a las Pautas sobre Marihuana) para prohibir a una persona adulta la posesión de menos de veinte (20) gramos de marihuana en donde la marihuana sea para uso personal y considerar una multa de no más de \$100.00 por infracción.

- (1) Se considerará una infracción civil del Estatuto de la Ciudad de Miami Beach, Florida el que una persona adulta posea marihuana, menos de 20 gramos, en donde la marihuana sea para uso personal de un adulto.
- (2) "Uso personal de un adulto" se define como la posesión de menos de veinte gramos de marihuana por un adulto de por lo menos dieciocho años de edad, y en la cual no hay prueba de que la persona se dedicaba a la entrega, fabricación, cultivo o venta de marihuana para obtener una compensación.
- (3) La infracción de esta sección resultará en la emisión de una infracción civil por la cantidad de cien dólares (\$100.00).
- (4) Cualquier persona que cometa una infracción conforme a esta sección y que decida no comparecer, deberá pagar una multa civil en un período de 30 días a partir de la fecha de emisión de esta infracción.
- (5) Aquellas partes de cualquier orden donde exista conflicto con esta sección serán por lo tanto anuladas.
- (6) Si cualquier cláusula del estatuto de esta sección o su aplicación a cualquier persona o circunstancia se determina inválido por un fallo válido o por decreto de un tribunal que tenga jurisdicción, el resto de este código sección o su aplicación de los términos y condiciones a otras personas no se verá afectado.

[PETITION CONTINUES ON THE OTHER SIDE]

Exhibit "A"



MIAMI BEACH

JOSE SMITH, CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY

MEMORANDUM

TO: Mayor Matti Herrera Bower and
Members of the City Commission

CC: Jorge Gonzalez, City Manager

FROM: Jose Smith, City Attorney

DATE: August 11, 2011

SUBJECT: LEGALITY OF THE INITIATIVE PETITION FOR A CHARTER
AMENDMENT REGARDING A PROPOSED "SENSIBLE MARIJUANA
POLICY."

Commissioner Michael Gongora requested an opinion from the City Attorney addressing the legality of placing on the ballot a proposed charter amendment received from the Committee for Sensible Marijuana Policy ("CSMP"). The proposed amendment would create section 8.10 in the City's Charter making the possession of less than 20 grams of marijuana by an adult a civil code violation punishable by a fine of not more than \$100.00 per violation where the marijuana was intended for personal use. The proposed charter amendment would likely be found to be unlawful because Florida state law preempts local government regulation of controlled substances.

City of Tallahassee v. Tallahasseean's for Practical Law Enforcement, 2nd Jud. Cir. Ct. Case No. 04-2018, is the only known Florida case on point and addressed the same issue. There, a petition proposed a charter amendment providing for a marijuana policy making the investigation, arrest, and prosecution of marijuana offenses the City's lowest law enforcement priority where marijuana was intended for adult personal use. The trial court held that the City of Tallahassee did not have to place the proposal on the ballot for a vote by the city's electors because the ballot question was in conflict with and preempted by State law. The trial court decision is attached as Exhibit A.¹

It is a fundamental principle of preemption doctrine that "a municipality may not act in an area preempted by the legislature." Tribune Co. v. Cannella, 458 So. 2d 1075,

¹ An appeal filed by the proponents of the City of Tallahassee amendment was dismissed by the First District Court of Appeal in Tallahasseean's for Practical Law, etc. v. City of Tallahassee (Fla. 1st DCA 2005)(Case No. 1D04-4420) after the proponent-appellants failed to file an initial brief.

1077 (Fla. 1984), appeal dismissed, 471 U.S. 1096, 105 S. Ct. 2315, 85 L. Ed. 2d 835 (1985). Under preemption principles, “[m]unicipal ordinances must not conflict with any controlling provision of a state statute.” City of Miami v. Wellman, 875 So. 2d 635, 630 (Fla. 3d DCA 2004) (citing Thomas v. State, 614 So. 2d 468, 470 (Fla. 1993)). Under “Florida’s Municipal Home Rule Power’s Act....[t]he preemption need not be explicit, so long as it is clear that the legislature has clearly preempted local regulation of the subject.” Barragan v. City of Miami, 545 So. 2d 252, 254 (Fla. 1989). Where the Florida legislature’s regulation of the subject is “pervasive” and if further regulation of the subject by a local government “would present a danger of conflict with that pervasive regulatory scheme” then the subject is preempted by the state. Tribune, 458 So. 2d at 1077.

In ruling that the petition was preempted by state law, the City of Tallahassee court cited to Florida Statutes Chapter 893, the “Florida Comprehensive Drug Abuse Prevention and Control Act” (“Act”). The Act sets forth statewide priorities for drug control and enforcement and lists marijuana as a Schedule 1 controlled substance, the highest priority. Additionally, the penalty provisions for the selling, manufacturing, or possession of various controlled substances are clearly set forth in Section 893.13 of the Florida Statutes. As the court stated, Chapter 893 reflects the Florida Legislature’s attempt “to provide for a uniform, comprehensive, and systematic regulation of prohibited drugs in the State of Florida.” City of Tallahassee (Final Judgment at 5). Indeed, as the trial court stated in City of Tallahassee, at 5 “[u]niform statewide enforcement” is implicit in the various enactments in Chapters 893 and 943 of the Florida Statutes. In those Chapters, the Florida Legislature has “clearly set forth a comprehensive and uniform law enforcement and drug control program for the state.” Both the proposed amendment in the City of Tallahassee case and the one submitted to the City here seek to establish “a local strategy or priority with respect to drug control which is in conflict with and pre-empted by state law.” Id.

The City of Tallahassee court also noted that the petition sought “to require all law enforcement officers—county, state, and federal, as well as city—which enforce laws in the city to have a certain law enforcement priority.” Id. While that specific language is not in the present petition, the requirement that a violation “shall result in the issuance of a civil citation...” has the same effect. (Emphasis added). See petition submitted by CSMP attached as Exhibit B. Moreover, as the City of Tallahassee court concluded, “[i]t would be unlawful for a city ordinance or charter provision to attempt to dictate or restrict the authority of such officers.” This holding is similar to the rulings finding municipal red light camera ordinances unlawful and preempted to the State prior to the Florida Legislature specifically authorizing local governments, under certain conditions, to adopt their own red light camera code compliance programs. See Mason v. City of Aventura, 11th Jud. Cir. Ct. Case No. 09-12735 CA 09, Feb. 26, 2010 (appeal by City of Aventura pending in the Third District Court of Appeal, Case No. 3D10-1095) and Udowychenko v. City of Orlando, 9th Jud. Cir. Ct. Case No. 2009-CA 26741, Aug. 9, 2010 (appeal by City of Orlando pending in the Fifth District Court of Appeal, Case No. 5D11-720).

In sum, a court addressing the legality of the proposed Miami Beach amendment would probably rule consistently with the City of Tallahassee decision because both the proposed amendment in that case and the one proposed here seek to establish municipal enforcement standards governing the prosecution of marijuana offenses that conflict with those established by Florida law.²

JS/DT/sc/lr/mem

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² Additionally, the proposed amendment may implicate federal law. The federal Controlled Substances Act ("CSA") makes possession of marijuana a federal crime. 21 U.S.C. §§ 812(c), 844(a). In a recent Memorandum issued by James M. Cole, Deputy Attorney General for the United States Department of Justice ("DOJ"), the policy of the DOJ has been stated as follows: "[p]ersons who are in the business of cultivating, selling or distributing marijuana, and those who knowingly facilitate such activities, are in violation of the Controlled Substances Act ("CSA"), regardless of state law." Moreover, the DOJ has specifically opined that "[s]tate laws or local ordinances are not a defense to civil or criminal enforcement of federal law with respect to such conduct, including the enforcement of the CSA."

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

RECEIVED

SEP 08 2004

CITY OF TALLAHASSEE, FLORIDA, a
Florida Municipality,

City of Tallahassee
City Attorneys Office

Plaintiff,

CASE NUMBER: 04-2018

vs.

TALLAHASSEANS FOR PRACTICAL
LAW ENFORCEMENT, a Political Action
Committee,

Defendants.

CONFORMED
COPY

FINAL JUDGMENT

THIS CAUSE came before the Court on the City of Tallahassee's Complaint for Declaratory Relief filed on August 20, 2004. Defendant, Tallahaseans for Practical Law Enforcement (TPLE), filed an Answer and requested an emergency hearing on the matter. On August 25, 2004, this Court held a hearing where counsel for the parties presented argument on the issues raised in Plaintiff's Complaint for Declaratory Relief.

TPLE is a political action committee registered with the Leon County Supervisor of Elections Office pursuant to Section 106.03, Fla. Stat. (2003). TPLE circulated a petition among registered voters of the City of Tallahassee. The petition was titled as a "City of Tallahassee Municipal Charter Amendment Petition." On August 10, 2004, Ion Sancho, Supervisor of Elections for Leon County, Florida, certified that 8,459 valid signatures of qualified electors of the City had been received. This number exceeded

the ten percent (10%) requirement of Section 166.031(1), Fla. Stat., for having a Municipal Charter Amendment placed on the ballot. By letter dated August 11, 2004, to the attorney for the City, TPLE demanded that its proposed amendment be placed on the next general election ballot on November 2, 2004.

Section 166.031(1), Fla. Stat. (2003), provides:

"The governing body of a municipality may, by ordinance, or the electors of a municipality may, by petition signed by 10 percent of the registered electors as of the last preceding municipal general election, submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter except that part describing the boundaries of such municipality. The governing body of the municipality shall place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election held within the municipality or at a special election called for such purpose."

While the title of the petition circulated by TPLE indicates that it is a "Municipal Charter Amendment Petition," the actual text of the proposed amendment differs. The proposed amendment states:

Be it enacted by the people of the City of Tallahassee, Florida: The Code of Ordinances of the City of Tallahassee is hereby amended by adding a section, to be numbered 15-26, which said section is to read as, follows:

- A. The City of Tallahassee Police Department, City Attorney's Office, City Manager, and all other law enforcement agencies acting in the City shall make the investigation, arrest and prosecution of marijuana offenses, where the marijuana was intended for adult personal use, the City's lowest law enforcement priority.

- B. "Adult personal use" is defined as the possession of less than twenty grams of marijuana by an adult at least eighteen years of age, where the marijuana is not open to public view. The sale of marijuana for remuneration is not defined as personal use and is subject to prosecution under existing state laws.
- C. The Tallahassee Police Department shall report marijuana arrests and the City Attorney's Office shall report marijuana prosecutions annually, including those undertaken in Tallahassee by the Leon County Prosecutor's office and all other law enforcement agencies for arrests made in Tallahassee.

Severability of Provisions

If any provisions of this ordinance or its application to any person or circumstances is held invalid, the remainder of this ordinance or the application of the terms and provisions to other persons or circumstances shall not be affected.

(emphasis added)

The petition purports to enact an ordinance of the Code of Ordinances of the City of Tallahassee specifically referencing Section 15-26. The full text of the proposed amendment does not state, or otherwise indicate, that the City's Municipal Charter is to be amended by the proposal. While the process set forth in Section 166.031(1), Fla. Stat., may be used to amend the charter of a municipality, it may not be used to enact a municipal ordinance. The statutory requirements and procedures for adoption of a city ordinance are set forth in Section 166.041, Fla. Stat. Nothing in that section provides for a citizens' initiative process to enact a municipal ordinance. TPLE's petition is violative of state law in that it seeks to enact an ordinance by the petition initiative process. Such a process is not provided for in Chapter 166, Fla. Stat., and the

requirements for enacting an ordinance are specifically delineated in Section 165.041, Fla. Stat.

Defendant TPLE, argues that the specific reference to the City's Code of Ordinances and specific ordinance number can be simply changed by this Court or the City. However, this would require the Court or the City to make a substantive change. TPLE's proposed enactment of an ordinance is prohibited by law. The City is not required to put a proposal prohibited by law on the ballot. *City of Miami Beach v. Smith*, 251 So.2d. 290, 292-293 (3d DCA 1971).

Further, the substance, or main purpose, of TPLE's proposed amendment is in conflict with, and prohibited by, state law. The proposed amendment seeks to establish the lowest law enforcement priority for the investigation, arrest, and prosecution of marijuana offenses in the City of Tallahassee. The proposal conflicts with Chapter 893, Fla. Stat., entitled, "Florida Comprehensive Drug Abuse Prevention and Control Act," which establishes statewide priorities for drug control and enforcement. All controlled substances prohibited in this state are listed, by priority, on Schedules I-V in Section 893.03, Fla. Stat. Marijuana is listed as Schedule I control substance, the highest priority.

Likewise, the penalty provisions for the selling, manufacturing, or possession of the various controlled substances are specifically detailed in Section 893.13, Fla. Stat., and correspond to the location of the controlled substance on the schedules.


The various sections of Chapter 893, Fla. Stat., reflect the legislature's attempt to provide for a uniform, comprehensive, and systematic regulation of prohibited drugs in the State of Florida. Uniform statewide enforcement is implicit in the various sections of Chapter 893 as well as Section 943.031, Fla. Stat. A local ordinance, or charter amendment, which seeks to establish a different priority or strategy with respect to a particular controlled substance is violative of state law.

With its various enactments in Chapters 893 and 943, Fla. Stat., the legislature has clearly set forth a comprehensive and uniform law enforcement and drug control program for the state. Such legislative measures indicate that enforcement and control is now an area expressly preempted by the state legislature. The state preemption need not be explicit so long as it is clear that the legislature has clearly preempted local regulation of the subject matter. *Tribune Company v. Gannella*, 458 So.2d. 1075, 1077 (Fla. 1984); *City of Miami v. Wellman*, 875 So.2d. 635, 640 (3d DCA 2004). TPI.E's measure which seeks to establish a local strategy or priority with respect to drug control is in conflict with state law and preempted by state law.

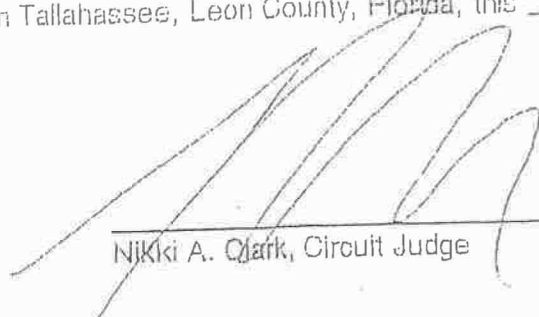
Finally, the proposal seeks to require all law enforcement officers—county, state, and federal, as well as city—which enforce laws within the incorporated area of Tallahassee to have a certain law enforcement priority. It would be unlawful for a City ordinance or charter provision to attempt to dictate or restrict the authority of such officers.

Accordingly, it is ORDERED and ADJUDGED:

That the Plaintiff, City of Tallahassee, does not have a legal duty to place TPLE's proposal on the ballot for a vote by City electors.

 DONE and ORDERED in Tallahassee, Leon County, Florida, this 15th day of

Sept, 2004.


Nikki A. Clark, Circuit Judge

Copies provided to:

James R. English, City Attorney
Lewis E. Shelley, Senior Assistant City Attorney
Attorneys for Plaintiff—City of Tallahassee

Elizabeth Osmond, Esq.
Attorney for Defendant—Tallahasseeans for Practical Law Enforcement

CITY OF MIAMI BEACH - INITIATIVE PETITION Charter Amendment

We the undersigned registered voters of Miami Beach, Miami-Dade County, Florida, do hereby petition the City of Miami Beach Commission to submit the following amendment to the Miami Beach Charter to the registered voters of Miami Beach:

AMENDMENT TO CREATE SECTION NO. 8.10 (SENSIBLE MARIJUANA POLICY AMENDMENT) OF THE MIAMI BEACH CITY CHARTER

BALLOT TITLE: SENSIBLE MARIJUANA POLICY CHARTER AMENDMENT,
MIAMI BEACH CITY CHARTER SECTION NO. 8.10

BALLOT SUMMARY:

This proposed charter amendment is designed to create a new Section No. 8.10 of the Miami Beach City Charter (Sensible Marijuana Policy Amendment) to prohibit the adult possession of less than twenty (20) grams of marijuana where the marijuana was intended for personal use and to provide for a fine of not more than \$100.00 per violation.

- (1) It shall be a civil violation of the Charter of the City of Miami Beach, Florida for any adult person to possess cannabis, less than 20 grams, where the cannabis is intended for adult personal use.
- (2) "Adult personal use" is defined as the possession of less than twenty grams of cannabis by an adult of at least eighteen years of age where there is no evidence that the person was engaged in the delivery, manufacture, cultivation, or sale of cannabis for remuneration.
- (3) Violation of this section shall result in the issuance of a civil citation in the amount of one hundred dollars (\$100.00).
- (4) Any person charged with the infraction under this section who does not elect to appear shall pay the civil penalty within 30 days after the date of issuance of the citation.
- (5) Those parts of any ordinances in conflict with this section are hereby repealed.
- (6) If any provision of this charter section or its application to any person or circumstances is held invalid by the valid judgment or decree of a court of competent jurisdiction, the remainder of this charter section or the application of the terms and provisions to other persons shall not be affected.

ENMIENDA PARA CREAR LA SECCIÓN No. 8.10 (ENMIENDA RAZONABLE A LAS PAUTAS SOBRE MARIJUANA) DEL ESTATUTO DE LA CIUDAD DE MIAMI BEACH

TÍTULO DE LA BOLETA: ENMIENDA RAZONABLE A LAS PAUTAS SOBRE MARIJUANA,
ESTATUTO DE LA CIUDAD DE MIAMI BEACH SECCIÓN No. 8.10

RESUMEN DE LA BOLETA:

La enmienda propuesta a este estatuto tiene por objeto crear una nueva Sección No. 8.10 del Estatuto de la Ciudad de Miami Beach (Enmienda Razonable a las Pautas sobre Marijuana) para prohibir a una persona adulta la posesión de menos de veinte (20) gramos de marijuana en donde la marijuana sea para uso personal y considerar una multa de no más de \$100.00 por infracción.

- (1) Se considerará una infracción civil del Estatuto de la Ciudad de Miami Beach, Florida el que una persona adulta posea marijuana, menos de 20 gramos, en donde la marijuana sea para uso personal de un adulto.
- (2) "Uso personal de un adulto" se define como la posesión de menos de veinte gramos de marijuana por un adulto de por lo menos dieciocho años de edad, y en la cual no hay prueba de que la persona se dedicaba a la entrega, fabricación, cultivo o venta de marijuana para obtener una compensación.
- (3) La infracción de esta sección resultará en la emisión de una infracción civil por la cantidad de cien dólares (\$100.00).
- (4) Cualquier persona que cometa una infracción conforme a esta sección y que decida no comparecer, deberá pagar una multa civil en un período de 30 días a partir de la fecha de emisión de esta infracción.
- (5) Aquellas partes de cualquier orden donde exista conflicto con esta sección serán por lo tanto anuladas.
- (6) Si cualquier cláusula del estatuto de esta sección o su aplicación a cualquier persona o circunstancia se determina inválido por un fallo válido o por decreto de un tribunal que tenga jurisdicción, el resto de este código sección o su aplicación de los términos y condiciones a otras personas no se verá afectado.

[PETITION CONTINUES ON THE OTHER SIDE]

RESOLUTION NO: 236-10-13270

A Resolution of the Mayor and City Commission of the City of South miami, Florida, urging the Florida Legislature and Federal Government to decriminalize and authorize the medicinal use of marijuana; providing for an effective date.

Whereas, Alaska, California, Colorado, Hawaii, Maine, Michigan, Montana, New Jersey, New Mexico, Nevada, Oregon, Rhode Island, Vermont, Washington and the District of Columbia have enacted laws protecting medical marijuana patients from state prosecution, and

Whereas, the State of Florida prohibits the possession, manufacture or use of marijuana for medicinal purposes, and

Whereas, marijuana is still considered illegal contraband under federal law, and

Whereas, marijuana has been reported to be effective in: a) reducing intraocular pressure in glaucoma; b) reducing nausea and vomiting associated with chemotherapy; c) stimulating the appetite for patients living with AIDS (acquired immunodeficiency syndrome) and suffering from the wasting syndrome; d) controlling spasticity associated with spinal cord injury and multiple sclerosis; e) decreasing the suffering from chronic pain; and f) controlling seizures associated with seizure disorders.

Whereas, the benefits of medicinal use of marijuana greatly outweigh any law enforcement or public safety concerns associated with such medicinal use.

Now, therefore, be it resolved by the Mayor and City Commission of the City of South Miami, Florida:

Section 1. The City Commission of the City of South Miami supports the decriminalization of marijuana for medicinal uses for individuals who suffer from

debilitating conditions for which marijuana has proven to be either an effective treatment or an effective way to minimize the patient's pain and suffering.

Section 2. The City Commission of the City of South Miami respectfully requests that the President, the United States Congress and Florida Legislature expeditiously decriminalize the use of marijuana for medicinal purposes.

Section 3. The City Clerk shall transmit copies of this Resolution to the President of the United States, to Governor Crist, and to the City's legislative delegation.

Section 4. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this Nov. 1, 2010.


ATTEST:


CITY CLERK

APPROVED:


MAYOR

READ AND APPROVED AS TO FORM:


CITY ATTORNEY

COMMISSION VOTE:

Mayor Stoddard:	3-1
Vice Mayor Newman:	Yea
Commissioner Beasley:	Yea
Commissioner Harris:	out of room
Commissioner Palmer:	Yea
	Nay

Neighborhood/Community Affairs Committee Meeting
June 26, 2013

An Ordinance Amending Miami Beach City Code Chapter 2 Entitled "Administration," Article VII Entitled "Standards Of Conduct," Division 2 Entitled "Officers, Employees, And Agency Members," By Amending Section 2-446 Thereof Entitled "Declaration Of Policy" To Provide For Limited Standards Of Conduct Applicable To The City's Special Masters, And Creating City Code Section 2-461 Establishing Special Master Lobbying Prohibitions; Providing For Repealer, Severability, Codification, And An Effective Date.

Commission Item, C4F, April 17, 2013
(Requested by Commissioner Weithorn)

Deborah Turner, City Attorney's Office

ITEM #14




MIAMI BEACH

OFFICE OF THE CITY ATTORNEY
JOSE SMITH, CITY ATTORNEY

COMMITTEE MEMORANDUM

TO: Members of the Neighborhood/Community Affairs Committee
Jimmy Morales, City Manager

FROM: Jose Smith, City Attorney 

DATE: June 26, 2013

SUBJECT: An Ordinance Amending Miami Beach City Code Chapter 2 Entitled "Administration," Article VII Entitled "Standards Of Conduct," Division 2 Entitled "Officers, Employees, And Agency Members," By Amending Section 2-446 Thereof Entitled "Declaration Of Policy" To Provide For Limited Standards Of Conduct Applicable To The City's Special Masters, And Creating City Code Section 2-461 Establishing Special Master Lobbying Prohibitions; Providing For Repealer, Severability, Codification, And An Effective Date.

Pursuant to a referral by Commissioner Deede Weithorn at the April 17, 2013 City Commission meeting, the attached Ordinance is submitted for review and consideration by the Neighborhood/Community Affairs Committee. In an effort to promote good government practices and standards, the proposed amendments to Chapter 2, Article VII, Division 2 of the Miami Beach City Code will prohibit the Chief Special Master and Special Masters from lobbying City personnel during their City service and will also prohibit their lobbying before the Chief Special Master or Special Masters for a period of one year following cessation of their City service.

As noted in the proposed ordinance, the City's Chief Special Master and all Special Masters are similar to judges and are tasked with important decision making authority on code enforcement and historic preservation matters which require them to be impartial and adhere to the highest ethical standards in performing their duties.

JS/DT/mmd

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 2 ENTITLED "ADMINISTRATION," ARTICLE VII ENTITLED "STANDARDS OF CONDUCT," DIVISION 2 ENTITLED "OFFICERS, EMPLOYEES, AND AGENCY MEMBERS," BY AMENDING SECTION 2-446 THEREOF ENTITLED "DECLARATION OF POLICY" TO PROVIDE FOR LIMITED STANDARDS OF CONDUCT APPLICABLE TO THE CITY'S SPECIAL MASTERS, AND CREATING CITY CODE SECTION 2-461 ESTABLISHING SPECIAL MASTER LOBBYING PROHIBITIONS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Chief Special Master and Special Masters for the City of Miami Beach that hear code enforcement matters for the City are appointed pursuant to Article II of Chapter 30 of the City Code and the City's Historic Preservation Special Master is appointed pursuant to Section 118-537 of the City Code; and

WHEREAS, much like Judges, the City's Chief Special Master and all other City Special Masters are tasked with important decision-making authority on code enforcement or historic preservation matters which require them to be impartial and to adhere to the highest ethical standards in performing their duties.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1.

That Chapter 2, Article VII, Division 2 of the Miami Beach City Code is hereby amended in part to read as follows:

Chapter 2

ADMINISTRATION

* * *

Article VII. STANDARDS OF CONDUCT

* * *

Division 2. Officers, Employees, and Agency Members and Special Masters.

Sec. 2-446. - Declaration of policy.

It is the policy of the city commission that no officer or employee of the city, or any of its agencies or subdivisions, and no member of the city commission, shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction, or professional activity, or incur any obligation of any nature that is in substantial conflict with the proper discharge of his duties in the public interest. To implement such policy and strengthen the faith and confidence of the people of the city in their government, there is enacted a code of ethics, setting forth standards of conduct to be observed by all city officers and employees, and limited standards of conduct to be observed by the City's Chief Special Master and Special Masters as expressly set forth herein, in the performance of their official duties. It is the intent of the city commission that this code shall serve not only as a guide for official conduct of public servants in this city, but also as a basis for discipline of those who violate the provisions of this article.

* * *

2-461. Special Masters: Lobbying Prohibitions.

(a) In addition to lobbying restrictions imposed by City resolution, those lobbying restrictions set forth in City Code sections 2-26 (prohibiting City Board members from lobbying before the Board they served on for one year following cessation of service thereon) and 2-459 (prohibiting City Board members from lobbying City personnel during their City service) shall have like applicability to the City's Chief Special Master and the Special Masters (except for those provisions set forth in Code sections 2-459(b)(1) and (2)). All such references in those City Code sections to City Agency, Board or Committee members shall be applicable to the Chief Special Master and the Special Masters, thus prohibiting the Chief Special Master and the Special Masters from:

1. Directly or indirectly lobbying during one's tenure as a Chief Special Master or a Special Master (per Code section 2-459); and
2. Lobbying before a Chief Special Master or a Special Master for one year after leaving City service (per Code section 2-26).

(b) This section shall not apply to any individual who is serving as the City's Chief Special Master or Special Master as of the date of the adoption of this Code language, and who entered into a lobbying contract prior to the effective date of this Code language (Ordinance No. _____, effective _____, 2013). Any person who is appointed or reappointed as the Chief Special Master or as a Special Master subsequent to the effective date of Ordinance No. _____ shall be subject to the provisions therein.

(c) The validity of any action or determination of the Chief Special Master or of a Special Master, or related action of the City, shall not be affected by the failure to comply with the provisions of this section.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect the _____ day of April, 2013.

PASSED and ADOPTED this _____ day of April, 2013.

ATTEST:

MATTI HERRERA BOWER
MAYOR

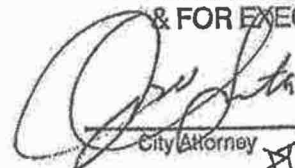
RAFAEL E. GRANADO, CITY CLERK

(Sponsored by Commissioner Deede Weithorn)

Underline denotes additions and ~~strike-through~~ denotes deletions

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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

4/5/13
Date